

The Public Utility Commission of Texas (commission) proposes new §26.433 relating to Roles and Responsibilities of 9-1-1 Service Providers. The proposed new rule will establish specific reporting and notification requirements and mandate certain network interoperability, service quality standards and database integrity standards to assure the integrity of the state's emergency 9-1-1 system in the context of a competitive telecommunications market. Project Number 19203 has been assigned to this proceeding.

The commission seeks comments on the following specific issues:

1. The proposed rule includes specific requirements for network services providers and database service providers. While the rule includes definitions for "9-1-1 network services provider" and "9-1-1 database management services provider", the rule does not specify the elements of "9-1-1 network services" and "9-1-1 database services." Should this rule include definitions for "9-1-1 network services" and "9-1-1 database services"? If so, how should these terms be defined for purposes of this rule?
2. Is the requirement to file network services plans and database services plans annually as proposed in §26.433(d) appropriate? Should these plans be filed more or less frequently?

3. Section 26.433(g) of the proposed rule would prohibit certificated telecommunications utilities (CTUs) from seeking cost recovery from 9-1-1 administrative entities for certain 9-1-1-related services. The commission anticipates that this may be a controversial issue and seeks comments from interested parties on whether this portion of the proposed rule is appropriate and reasonable. Are there other costs that should be addressed in proposed §26.433(g)? If so, what are these costs and should they be considered a part of a CTU's cost of doing business or should they be subject to commission review and approval through the tariff process?
4. What are the competitive impacts, if any, of allowing or disallowing cost recovery for the items in proposed §26.433(g)?
5. Section 26.433(g)(2) in essence codifies existing law under Texas Health & Safety Code Ann. §§771.071, 772.114, 772.214, 772.314 and 772.403. Should subsection (g)(2) be deleted from the proposed rule?
6. As proposed, those portions of the rule applicable to "telecommunications providers" would apply to Commercial Mobil Radio Service (CMRS) providers. (*See* PURA §51.002(10)(A)(iv) and §60.124). Is this appropriate? To what extent should the proposed rule apply to CMRS providers? What other types of voice grade wireless services, if any, should be subject to the proposed rule? Should fixed wireless providers be treated any differently under the proposed rule than other wireless providers?

7. The commission also seeks comment on what 9-1-1-related issues should be resolved in this rulemaking and what, if any, issues should be addressed through contested cases, arbitrations and/or tariff proceedings.
8. Finally, the commission requests interested parties to describe "best practice" examples of regulatory policies, and their rationale, that have been proposed or implemented successfully in other states regarding the interoperability of 9-1-1 networks in a competitive environment. The commission is only interested in receiving examples that are specifically related and directly applicable to ensuring the integrity and reliability of 9-1-1 service in Texas, rather than broad citations to other state's 9-1-1 efforts.

Thomas S. Hunter, attorney, Office of Regulatory Affairs, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Hunter has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be increased reliability of the 9-1-1 emergency network for the citizens of Texas. There will be no effect on small businesses or micro-businesses as a result of enforcing this section. The costs to businesses associated with implementation

of this rule are expected to be outweighed by the public benefit resulting from improved reliability of Texas' 9-1-1 service.

Mr. Hunter has also determined that for each year of the first five years the proposed section is in effect there should be no affect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed rule (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, PO Box 13326, Austin, Texas 78711-3326, within 20 days after publication. Reply comments may be submitted within 30 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 19203.

This new section is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, PURA§15.021 which authorizes the commission to take action if it determines a public utility or other person is engaging in or about to engage in an act that violates PURA or an order or rule of the commission, or fails to comply with the requirements of PURA or a commission order or rule; §54.001 which requires certification before providing local exchange, basic local telecommunications

service, or switched access service; §58.051 which requires PURA Chapter 58 electing companies to offer access for all residential and business end users to 9-1-1 service provided by a local authority and access to dual party relay service; §60.001 which requires the commission to ensure that the rates and rules of an incumbent local exchange company (ILEC) are not unreasonably preferential, prejudicial, or discriminatory and are equitably and consistently applied; §60.021 which requires that at a minimum, an ILEC shall unbundle its network to the extent ordered by the Federal Communications Commission; §60.022 which states that the commission may unbundle local exchange company services in addition to the unbundling required by §60.021 after considering the public interest and competitive merits of further unbundling; §60.023 which states that the commission may assign an unbundled component to the appropriate category of services under Chapter 58 according to the purposes and intents of the categories; §60.122 which grants the commission exclusive jurisdiction to determine rates and terms for interconnection for a holder of a certificate of convenience and necessity, a certificate of operating authority, or a service provider certificate of operating authority; §60.124 which requires each telecommunications provider to maintain interoperable networks; §64.051 which requires the commission to adopt rules relating to certification, registration, and reporting requirements of a certificated telecommunications utility, all telecommunications utilities that are not dominant carriers, and pay telephone providers; §64.052 which establishes the scope of the rules under §64.051; and §64.053 which states the commission may require a telecommunications service provider to submit reports to the commission concerning any matter over which it has authority under PURA Chapter 64.

SUBSTANTIVE RULES. CHAPTER 26. TELECOMMUNICATIONS.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 15.021, 54.001, 58.151, 58.265, 60.001, 60.021, 60.022, 60.023, 60.121, 60.122, 60.124, 64.051, 64.052, and 64.053.

**§26.433. Roles and Responsibilities of 9-1-1 Service Providers.**

- (a) **Purpose.** The provisions of this section are intended to assure the integrity of the state's emergency 9-1-1 system in the context of a competitive telecommunications market. In particular this section establishes specific reporting and notification requirements and mandates certain network interoperability, service quality standards and database integrity standards. The requirements in this section are in addition to the applicable interconnection requirements required by §23.97 of this title (relating to Interconnection).
- (b) **Definitions .** The following words and terms, used in this section shall have the following meanings, unless the context clearly indicates otherwise:
  - (1) 9-1-1 administrative entity — A regional planning commission as defined in Texas Health & Safety Code Annotated §771.001(10) and a emergency communication district as defined in the Texas Health & Safety Code Annotated §771.001(3).
  - (2) 9-1-1 database management services provider — The entity designated by a 9-1-1 administrative entity to perform database management functions that support the provision of 9-1-1 services.
  - (3) 9-1-1 network services provider — The entity designated by the 9-1-1 administrative entity to provide 9-1-1 call delivery service.
  - (4) Automatic location identification (ALI) — The automatic display at the public safety answering point (PSAP) of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.

- (5) Alternate routing — The capability of routing 9-1-1 calls to a designated alternate location if all 9-1-1 trunks to a primary PSAP are busy or out of service.
- (6) Automatic number identification (ANI) — The telephone number associated with the access line from which a call originates.
- (7) Commission on State Emergency Communications (CSEC) — the state commission formerly known as the Advisory Commission on State Emergency Communications.
- (8) Default routing — The capability to route a 9-1-1 call to a designated PSAP when the incoming 9-1-1 call cannot be selectively routed due to an ANI failure or other cause.
- (9) Emergency service number (ESN) — A three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographic area. The ESN facilitates selective routing and selective transfer, if required, to the appropriate PSAP and the dispatching of the proper service agency(ies).
- (10) Emergency service zone (ESZ) — A geographic area that has common law, fire, and emergency medical services that respond to 9-1-1 calls.
- (11) Master street address guide (MSAG) — A database maintained by each 9-1-1 administrative entity of street names and house number ranges within their associated communities defining ESNs and their associated ESNs to enable proper routing of 9-1-1 calls.
- (12) NXX — A three-digit code, also commonly referred to as exchange or prefix, in which "N" is any digit 2 through 9 and "X" is any digit 0 through 9.

- (13)   Numbering plan area (NPA) — Also commonly referred to as an area code. An NPA is the first three digit code in the ten digit numbering format that applies throughout areas served by the North American Numbering Plan number for a particular calling area.
- (14)   P.01 grade of service — A standard of service quality intended to measure the probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour will be blocked.
- (15)   Public safety answering point (PSAP) — A continuously operated communications facility established or authorized by local governmental authorities that answers 9-1-1 calls originating within a given service area, as further defined in Texas Health and Safety Code Chapters 771 and 772.
- (16)   Selective routing (SR) — The routing of a 9-1-1 call to the proper PSAP based upon the location of the caller. Selective routing is controlled by the ESN which is derived from the customer location.
- (17)   Selective routing tandem switch — Switch located in a telephone central office that is equipped to accept, process, and route 9-1-1 calls to a specific location.
- (18)   Service order system — System used by a telecommunications provider that, among other functions, tracks customer service requests and billing data.
- (19)   Telecommunications provider — As defined in PURA §51.002(10).
- (20)   Wholesale service — As defined in §26.5 of this title (relating to Definitions).

- (c) **9-1-1 service provider certification requirements.** A 9-1-1 database management services provider must be a certificated telecommunications utility in order to provide any portion of 9-1-1 service in the state of Texas. A 9-1-1 network services provider must be a certificated telecommunications utility in order to provide any portion of 9-1-1 service in the state of Texas.
- (d) **Requirement to prepare plan and reporting and notification requirements.**
  - (1) **Network Services Plan.** By September 1 of each year, a certificated telecommunications utility (CTU) that provides 9-1-1 network services shall prepare and file with the commission a network services plan for the next consecutive 12-month period, beginning September 1. The network services plan may be filed under seal and shall include:
    - (A) a description of the network services and infrastructure for equipment and software being used predominantly for the purpose of providing 9-1-1 services, including but not limited to, alternate routing, default routing, central office identification, and selective routing, ESN, and transfer information;
    - (B) a schematic drawing and maps illustrating current 9-1-1 network service arrangements specific to each 9-1-1 administrative entity's jurisdiction for each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries; and

- (C) a schedule of planned network upgrades and modifications that includes an explanation of the 9-1-1 customer premise equipment implications, if any, related to upgrades and modifications.
- (2) **Database Services Plan.** By September 1 of each year, a CTU that provides 9-1-1 database management services shall prepare and file with the commission a database services plan for the next consecutive 12-month period, beginning September 1. The database services plan may be filed under seal and shall include:
  - (A) a narrative description of the current database services provided, including but not limited to a description of current 9-1-1 database management service arrangements and each NPA/NXX by selective router served by the database management services provider;
  - (B) a schematic drawing and maps of current 9-1-1 database service arrangements specific to the applicable agency's jurisdiction for each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries;
  - (C) a current schedule of planned database management upgrades and modifications, including software upgrades;
  - (D) an explanation of the 9-1-1 customer premises equipment implications, if any, related to any upgrades and modifications referenced in subparagraph (C) of this paragraph; and
  - (E) a description of all database contingency plans for 9-1-1 emergency service.

(3) **Other notification requirements.**

- (A) A CTU shall notify all affected 9-1-1 administrative entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.
- (B) A CTU that provides local wholesale services shall provide to each applicable 9-1-1 administrative entity a list of the CTU's wholesale customers by area code on the first business day of each quarter based on the calendar.

(e) **Network interoperability and service quality requirements.** In order to ensure network interoperability and a consistent level of service quality the following standards shall apply.

- (1) A CTU operating in the state of Texas shall:
  - (A) Participate, as technically appropriate and necessary, in 9-1-1 network and 9-1-1 database modifications; including, but not limited to, those related to area code relief planning, 9-1-1 tandem reconfiguration, and changes to the 9-1-1 network services or database management services provider.
  - (B) Notify and coordinate changes to the 9-1-1 network and database with, as necessary and appropriate, its wholesale customers, all affected 9-1-1 administrative entities, and CSEC.
  - (C) Provide a P.01 grade of service on the trunk groups required from the end office(s) to the designated selective routing tandem and from the selective routing tandem to the PSAP.

- (D) Apprise all affected 9-1-1 administrative entities of any failure to meet the P.01 grade of service in writing and correct any degradation within 60 days.
  - (E) Require, if it provides 9-1-1 network services with selective routing tandems serving a minimum of five area codes, each affected PSAP to upgrade to a minimum 10-digit capable 9-1-1 customer premises equipment. The CTU may petition the commission to discontinue service to the affected PSAP(s) if the PSAP(s) fail to complete such upgrades within a reasonable time. The affected 9-1-1 administrative entity may petition to waive this requirement for good cause.
- (2) A telecommunications provider operating in the state of Texas shall:
  - (A) Provide to all applicable 9-1-1 administrative entities the name, title, address, and telephone number of the telecommunications provider's 9-1-1 contact including but not limited to, a designated contact person to be available at all times to work with the applicable 9-1-1 Administrative Entities, CSEC and the commission to resolve 9-1-1-related emergencies. CSEC shall be notified of any change to a telecommunications provider's designated 9-1-1 contact personnel within five business days.
  - (B) Negotiate in good faith with each affected 9-1-1 administrative entity to enter into written 9-1-1 service agreements, if applicable, consistent with this section, §23.97(e) of this title, other commission rules and Federal Communications Commission (FCC) 9-1-1 requirements.

- (C) Develop a 9-1-1 disaster recovery and service restoration plan with input from the applicable regional planning commission or emergency communication district, CSEC and the commission.
  
- (f) **Database integrity.** In order to ensure the consistent quality of database information required for 9-1-1 services the following standards apply.
  - (1) A CTU operating in the state of Texas shall:
    - (A) Utilize a copy of the 9-1-1 administrative entity's MSAG or other appropriate governmental source, such as post offices and local governments, to confirm that valid addresses are available for 9-1-1 calls. This requirement is applicable where the 9-1-1 administrative entity has submitted an MSAG for the service area to the designated 9-1-1 database management services provider. The MSAG must be made available to the CTU at no charge and must be in a mechanized format that is compatible with the CTU's systems. This requirement shall not be construed as a basis for denying installation of basic telephone service, but as a process to minimize entry of erroneous records into the 9-1-1 system.
    - (B) Take reasonable and necessary steps to avoid submission of telephone numbers associated with non-dialtone generating service to the 9-1-1 database management services provider.
    - (C) Submit corrections to inaccurate subscriber information to the

9-1-1 database management services provider within 72 hours of notification of receipt of the error file from the 9-1-1 database management services provider.

- (D) As applicable, coordinate 9-1-1 database error resolution for resale customers.
- (2) A CTU providing database management services operating in the state of Texas shall:
  - (A) Provide copies of the MSAG(s) for the 9-1-1 administrative entities it serves to any CTU authorized to provide local exchange service within the jurisdiction of those 9-1-1 administrative entities. The 9-1-1 database management services provider shall make all updates to the MSAG electronically available to CTUs within 24 hours of update by the 9-1-1 administrative entity.
  - (B) Upon receipt of written confirmation from the appropriate CTU, delete inaccurate subscriber information within 24 hours for deletions of fewer than 100 records. For deletions of 100 records or more, the database management service provider shall delete the records as expeditiously as possible within a maximum time frame of 30 calendar days.

(g) **Cost recovery.**

- (1) Unless included in a CTU's tariffs approved by the commission on or before December 31, 1999, a CTU may not charge a 9-1-1 administrative entity for the following costs or activities through tariffed or non-tariffed charges:
  - (A) the preparation and transfer of files from the CTU's service order system to be used in the creation of 9-1-1 call routing data and 9-1-1 ALI data; and

- (B) the provision of dedicated transport facilities from the CTU's end offices to the 9-1-1 selective routing tandem switch of the 9-1-1 network services provider.
- (2) A CTU shall devise its 9-1-1 service fee collection and remittance process on governmental jurisdictional boundaries consistent with the 9-1-1 emergency service fees imposed pursuant to Texas Health and Safety Code Ann. §§771.071, 772.114, 772.214, 772.314, 772.403, and grandfathered home-rule city authority.
- (h) **Unbundling.** A CTU providing 9-1-1 network services that also provides 9-1-1 database services, if it has not already done so prior to the effective date of this rule, must file within 90 days from the effective date of this rule an alternative 9-1-1 tariff that provides 9-1-1 administrative entities the option to purchase the 9-1-1 network elements/services offered and priced separately from the 9-1-1 database elements/services.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 3rd DAY OF DECEMBER 1999 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
RHONDA G. DEMPSEY**