

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**Petition to Modify 911 Provider for Jackson)
County Emergency Telephone System) **Docket No. 13-0669**
Board, Jackson County, Illinois)**

**INITIAL BRIEF OF AT&T
Public Version**

Illinois Bell Telephone Company d/b/a AT&T Illinois (“AT&T Illinois”) and New Cingular Wireless PCS, LLC (“AT&T Mobility”) (collectively, “AT&T”) respectfully submit their Initial Brief.

I. BACKGROUND AND SCOPE OF PROCEEDINGS

A. Procedural Background

On December 6, 2013, the Jackson County Emergency Telephone Services Board (“Jackson County”) filed a verified Petition to Modify its 9-1-1 System Provider Plan pursuant to the Emergency Telephone System Act (50 ILCS 750/0.01 et seq.), the Public Utilities Act (220 ILCS 5/13-900), and Part 725 of the Commission’s Rules (83 Ill. Admin. Code Part 725). In the Petition, Jackson County seeks approval to change the 9-1-1 system provider from Frontier Communications (“Frontier”) to NG-911, Inc. (“NG-911”), for the purpose of implementing a next-generation 9-1-1 system.

On January 7, 2014, AT&T filed a Petition to Intervene. That request was granted on January 14, 2014. On January 16, 2014, Mr. Matt Johnson filed a Petition to Intervene. That request was granted on February 27, 2014. On February 27, 2014, Frontier filed a Petition to Intervene.

Direct testimony was filed by Jackson County, NG-911, Staff, AT&T, and Mr. Matt Johnson. Jackson County and NG-911 filed rebuttal testimony on March 18, 2014; AT&T filed

its rebuttal testimony on March 28, 2014. NG-911 filed surrebuttal testimony on April 4, 2014. The evidentiary hearing was conducted on April 23, 2014.

This is Jackson County's second attempt to migrate its 9-1-1 system to next-generation 9-1-1 technology. In Docket No. 12-0094, the Counties of Southern Illinois ("CSI") petitioned the Commission for authority to operate a regional next-generation pilot project system.¹ CSI is an intergovernmental entity organized under Illinois law comprised of sixteen 9-1-1 agencies in Southern Illinois, including Jackson County. Fourteen months after initiating the proceeding in Docket 12-0094, CSI withdrew its petition and decided to pursue the deployment of next-generation 9-1-1 on a county-by-county basis. The present proceeding is the first case in which an individual member of CSI has requested permission to deploy next-generation 9-1-1 services.

B. Scope of the Proceeding

It is no secret that other members of CSI intend to follow in Jackson County's foot-steps and will file similar petitions in the future. *See, e.g.*, Ramsey Rebuttal at lines 56-58; 230-232 ("Simply put, many Jackson County boundary neighbors plan to convert to Next Generation 9-1-1"). It is also possible that AT&T and Frontier may decide in the future to offer some version of next-generation 9-1-1 service of their own. But this proceeding does not concern any of those possible events that may happen in the future. Rather, it focuses on the narrow issue of whether Jackson County can change its 9-1-1 service provider from Frontier to NG-911 for the purpose of migrating to a next-generation 9-1-1 system. Thus, the Commission should be concerned only with the unique Plan Modification proposed by Jackson County and should take special care to limit its rulings to the facts presented in the case before it. The order in this case should apply only to Jackson County and should not establish any precedent concerning the way

¹ Petition for Authority to Operate a Regional Next Generation 9-1-1 Pilot Project System, February 3, 2012, Docket No. 12-0094.

that next-generation 9-1-1 services are to be provided in other locations. To this end, Mr. Matt Johnson sensibly recommended that any order issued in this proceeding should explicitly state that it does “not establish any precedent or requirements for other Next Generation 9-1-1 solutions in Illinois and that the Commission remains open to considering other alternative arrangements that may be proposed in the future.” Johnson Direct at 4. AT&T agrees with that recommendation.

II. COMPLIANCE WITH ICC RULE 725 AND APPLICABLE STATUTES

Jackson County has the burden to prove that its Plan Modification complies with the rules promulgated pursuant to the requirements of section 10 of the Emergency Telephone System Act, as set forth in Part 725 of the Commission’s Rules. The specific requirements for Plan Modifications are in ICC Rules 725.200, 725.205, 725.405 and 725.500. As explained below, Jackson County’s Plan Modification falls short on several items and these shortcomings should be corrected by the Commission.

III. THE COMMISSION SHOULD REQUIRE CHANGES IN THE PLAN MODIFICATION

A. Direct Connections to NG-911 Data Centers

Rule 725.205(f)(2) requires the Commission to review and approve Jackson County’s “new system configuration and technological architecture (i.e., network and routing).” Jackson County addresses this requirement in section 2.2 of the Plan Narrative, which explains one component of the proposed network and routing - what it calls the “Frontier Aggregation Service” (“FAS”). This is a service provided by Frontier to NG-911 for the transport and selective routing of the traffic of “access carriers” over existing Frontier connections to the NG-

911 Data Centers in Murphysboro and Harrisburg.² FAS is not a service that AT&T purchases from Frontier. Rather, it is a network arrangement between NG-911 and Frontier that permits AT&T (and all other carriers) to hand-off 9-1-1 traffic, as it does today, at Frontier’s Carbondale switch. A key feature of FAS is that it combines traffic from several carriers on a single transport facility. This includes 9-1-1 traffic from different wireline carriers, but it also includes traffic from wireless carriers, so that traffic from wireline and wireless carriers is intermingled on the same facilities.

Section 2.2 of the Plan Narrative also explains that direct connections to the Data Centers are available and that Clearwave has established direct connections from its central office in Marion, Illinois to the NG-911 Data Centers.

According to the Plan Narrative, carriers can hand-off 9-1-1 traffic *either* by using the FAS *or* by establishing a direct connection to NG-911. Plan Narrative at 9. (“Access Carriers have the option to complete 9-1-1 calls via FAS, Clearwave or direct connect.”) Jackson County’s representation was flatly contradicted by its vendor, NG-9-1-1, when Mr. Ramsey testified that AT&T cannot directly connect to the NG-911 Data Centers and that AT&T’s only option for handing-off 9-1-1 traffic is the FAS. Ramsey Rebuttal at lines 131-134. This inconsistency raises two issues that must be addressed by the Commission.

1. AT&T Should be Permitted to Directly Connect to the NG-911 Data Centers

First, AT&T should have the clear option to directly connect to NG-911’s Data Centers. Without this option, AT&T’s 9-1-1 traffic will be carried to the Data Centers over the FAS and will be aggregated with traffic of all other carriers. AT&T has concerns with aggregating 9-1-1

² An “access carrier” is a carrier like AT&T Illinois or AT&T Mobility that delivers 9-1-1 traffic to NG-9-1-1 for delivery to the PSAPs in Jackson County.

traffic in this manner because of network integrity issues, i.e., it is easier to isolate and remedy network issues attributable to a single carrier if traffic is not combined onto a single transport facility. Neinast Direct, lines 376-389. Moreover, combining wireline and wireless 9-1-1 traffic on the same transport facility can “impact routing, default routing, and congestion control.” Neinast Direct, lines 391-408 and Exhibit MN-6 at 5 (NENA Technical Information Document). Accordingly, AT&T believes that the most prudent solution from a network engineering perspective is to provide an option for direct connection to the Data Centers. This option should be spelled out with enough detail to permit AT&T to engineer and order trunks and transport facilities from AT&T’s locations to the Data Centers so that it can deliver its traffic to those locations, if it elects to do so. Alternatively, the Plan Modification should obligate Jackson County to file an additional Plan Modification to permit direct connection within 60 days of a request by AT&T or any other carrier.

As Mr. Neinast explained, at a minimum, the Plan Modification filed in response to such a request should include technical specifications that detail how the traffic hand-off will occur at the Data Center. For example, Jackson County should clarify whether AT&T would connect to the Legacy Network Gateway that is shown Figure 1 of the Plan Narrative, or at some other location. Jackson County should also provide detail about the applicable testing requirements and maintenance procedures. Neinast Rebuttal, lines 37-50.

The response of NG-911 to this request is ambiguous and confusing. On the one hand, it states that “we’ve made it quite clear that direct connection is an option.” Ramsey Surrebuttal, line 20. If that assertion were true, that would be the end of the matter. But what NG-911 appears to give with one hand, it takes away with the other by making several questionable arguments. For example, it argues that it has no obligation to provide direct connections because

AT&T lost the opportunity to establish direct connections by failing to negotiate with NG-911 prior to the initiation of this docket. Ramsey Rebuttal, lines 128-134; Ramsey Surrebuttal, lines 23-27. This is patently false. Mr. Neinast established that there was no offer from NG-911 to establish direct connections and therefore there was nothing for AT&T to reject. Neinast Rebuttal, lines 52-72. NG-911's responses to AT&T's data requests (AT&T Exhibit 2) show that there was no offer for direct connection. In any event, this debate is beside the point because AT&T was perfectly entitled to wait for Jackson County to file its request for Plan Modification before addressing how it would be impacted by Jackson County's plan. The purpose of the law requiring such a Plan Modification is to give impacted carriers such as AT&T the ability to review and comment upon the request; AT&T had no obligation to enter into negotiations with NG-911 beforehand.

NG-911 also argues that "requiring Jackson County to accommodate a carrier's request for direct connection would constitute a major change in how 9-1-1 systems are designed and deployed." Ramsey Surrebuttal, lines 36-38. But this is contradicted by the fact that Clearwave has already established direct connections to the Data Centers and by Jackson County's offer to provide direct connections.

Moreover, NG-911's statement that "direct connection is an option" for AT&T is a hollow offer because it refuses to provide any details about how such a direct connection could take place, saying only that Jackson County would have to address that when and if Jackson County elects to provide such an option. But Jackson County has already committed to providing direct connection (Plan Narrative at 9) and should not be able to renege on that representation by withholding all details about how that connection would actually happen.

In sum, the Commission should hold Jackson County to its word and should require the County to provide details of how a carrier can directly connect to the NG-911 Data Centers. Alternatively, the Commission's should require Jackson County to file an additional Plan Modification for direct connection within 60 days of a request by AT&T or any other carrier.

2. Is Dedicated Transport Required Under Commission Rules?

The second issue under this heading is whether the Commission Rules require the Service Provider (NG-911) to provide dedicated transport on the facilities carrying 9-1-1 traffic to the NG-911 Data Centers.

The pertinent language appears in at least two places in Part 725. Section 725.405(i)(11) provides that “the 9-1-1 system provider shall meet the following technical requirements for the provisioning of 9-1-1 service”:

Provisioning all 9-1-1 facilities over dedicated redundant facilities. This should be considered to be the standard method of providing all incoming 9-1-1 facilities and, where possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all emergency calls during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, where available, in order to increase the survivability of the 9-1-1 network. Additionally the Commission 9-1-1 Program Staff and or 9-1-1 authority may on an annual basis or in the event of a problem request traffic studies be performed or other documentation be provided to verify that the standard is being met. (Emphasis added).

Similarly, section 725.410(b) provides that:

Dedicated redundant facilities should be considered to be the standard method of providing all incoming 9-1-1 facilities and, when possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all requests for emergency services during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, when available, in order to increase the survivability of the 9-1-1 network. Additionally, the Commission 9-1-1 Program Staff and/or 9-1-1 authority may, on an annual basis or in the event of a problem, request traffic studies or other documentation to verify that the standard is being met. (Emphasis added).

This language, on its face, appears to require dedicated transport facilities for incoming 9-1-1 traffic to a Data Center. This is because the rule requires “dedicated” facilities as the standard method of transporting traffic (when possible). AT&T witness Neinast testified that the word “dedicated” in this context means a transport facility that is used only to carry the 9-1-1 traffic of a single carrier. Neinast Direct, lines 426-435. In other words, different wireline carriers cannot combine their 9-1-1 traffic on a single transport facility to a selective router (or Data Center). Likewise, wireline and wireless carriers cannot combine their 9-1-1 traffic onto a single transport facility. This is how AT&T handles its 9-1-1 traffic today in Illinois.

NG-911 argues that nothing in these rules requires the separation of 9-1-1 traffic that comes from different carriers, or that comes from different types of service providers (e.g., wireless/wireline). In its view, these rules only prohibit the use of 9-1-1 transport facilities for “administrative lines or other non-emergency traffic.” Ramsey Rebuttal, lines 172-198.

That reading of the rules cannot be correct because it would render the rule meaningless. This is so because 9-1-1 transport facilities cannot be used for non-emergency traffic under any circumstances, because they do not connect locations that would have such traffic. They only connect locations that handle 9-1-1 traffic – like selective routers or data centers. And they cannot be used for “administrative” traffic because Rule 725.200(b) prohibits the use of 9-1-1 transport facilities for out-bound traffic from the PSAP. (“9-1-1 service is a terminating only service that connects a person who has dialed the universal emergency service code 9-1-1 to the appropriate PSAP.”)³ Since 9-1-1 transport facilities can only be used to carry 9-1-1 traffic, the additional obligation imposed in Rules 725.405(i)(11) and 725.410(b) for “dedicated redundant facilities” could reasonably be interpreted to require something more than that. Of course,

³ Mr. Ramsey himself acknowledges that “9-1-1 is a one way service.” Ramsey Rebuttal, line 90.

Jackson County could have requested a waiver of this rule under section 10 of the Emergency Telephone System Act, but it has not yet done so.

AT&T believes that network integrity is enhanced by continuing to have separate transport facilities for the 9-1-1 traffic of each carrier. And it is particularly important to keep the 9-1-1 traffic of wireline carriers separate from the 9-1-1 traffic of wireless carriers. Neinast Direct, lines 376-408.

AT&T recommends that the Commission resolve this issue by deciding whether or not its rules permit carriers to aggregate 9-1-1 traffic on the same transport facilities. Jackson County's Plan Modification is clearly premised on the assumption that the rules do permit aggregation. If they do not, Jackson County should be required to revise its Plan Modification.

B. Split Exchanges

AT&T has no comments on split exchanges in its initial brief. AT&T will review the initial briefs of other parties on this issue and will address the issue in its reply brief, if necessary.

C. Frontier Aggregation Service

In the absence of any option to establish direct connections to the Data Centers, the Frontier Aggregation Service ("FAS") purchased by NG-911 from Frontier is the only way for AT&T to transmit its wireline and wireless 9-1-1 traffic destined for the Jackson County PSAPs to NG-911. The FAS contract between NG-911 and Frontier is a *****BEGIN**

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CONFIDENTIAL*** Clearly, the FAS needs to be available longer than that to ensure continued 9-1-1 service to Illinois consumers.

In response to AT&T's request for a longer commitment, Mr. Ramsey says that the FAS arrangement will only be available to AT&T for as long as "the FAS agreement between Frontier and NG-911 is in effect." Ramsey Rebuttal, lines 106-109. Of course, this is no response at all. Or rather, it is equivalent to saying that the FAS agreement is temporary and when it ends in the near future, all bets are off and no carrier can count on it being available. That is not an acceptable answer – particularly in light of the refusal of NG-911 and Jackson County to make available a direct connection option as part of this Plan Modification.

The remedy for this quandary is obvious – the Commission should do something to extend the availability of FAS. One way to do this would be to require Jackson County or NG-911 to commit to making the FAS arrangement available for a longer period of time, e.g., for five additional years, on the same terms and conditions that apply to the initial period.⁴ Given that the Plan Modification is premised on the ability of carriers to use the FAS to connect to the Jackson County PSAPs, it is critically important for the Commission to do something like this to make sure that the FAS remains reasonably available, at least for the time-being.

D. Database and PS/ALI Updating

Private Switch/Automatic Location Identification ("PS/ALI") Service requires operators of private switches (i.e., Private Branch Exchange – PBX, or CENTREX) in large buildings to provide in-building automatic location information ("ALI") on 9-1-1 calls so that emergency responders know where in a building to look for the person in need of assistance.⁵ The private switch operators administer this station-level information. All 9-1-1 Service Providers in Illinois currently offer PS/ALI Service to customers. Neinast Direct, lines 510-523.

⁴ Mr. Neinast testified that the Commission should consider a ten year commitment (Neinast Rebuttal, lines 112-116), but AT&T now believes that something shorter would be reasonable.

⁵ Section 15.6 of the Emergency Telephone System Act (50 ILCS 750/15.6) and 83 Ill. Adm. Code § 726.

According to the Plan Narrative (at 13) “[t]here are no direct connected PS/ALI customers in Jackson County at the time of filing, but if there are direct connected PS/ALI customers, updates will be sent via the same FTP site as direct connect carriers.” AT&T has two issues with this position.

First, the Commission should be very sure that Jackson County and NG-911 are correct when they say that there are no business customers in Jackson County that are required to provide PS/ALI information under section 726.205 of the Commission’s Rules. Those rules require any business with more than 40,000 square feet that operates a private switch to provide PS/ALI to the PSAP. In Jackson County, there are businesses that appear to fall within the scope of this rule. For example, the Penn Aluminum Company has a 270,000 square foot manufacturing facility.⁶ Of course, there are exemptions under the rule for businesses that maintain alternative means of responding to an emergency, that have on-site personnel to meet first-responders at the building, and that notify the Commission that they are seeking an exemption from the rule. Section 726.205(b). AT&T has no way to know whether this particular business qualifies for this exemption, or whether other business locations in Jackson County with more than 40,000 square feet qualify for the exemption. In any event, the Commission should satisfy itself that Jackson County is in full compliance with Rule 726.

Second, the Plan Narrative does not adequately address how PS/ALI updates would work if and when there are businesses that are required to comply with Rule 726. Nothing in the Plan Narrative explains how update records will be submitted, what format the records will be submitted in, or how they will be validated against an MSAG or GIS-based database system for accuracy. Nor is there any explanation of whether and how NG-911 will offer new PS/ALI

⁶ <http://www.pennaluminum.com/aboutpenn.asp>

agreements with private switch operators in Jackson County that directly connect to the ESInet. Neinast Direct, lines 544-550. In general, there is quite a bit of operational detail on this topic that is unexplained.

E. Testing and Monitoring

AT&T has no comments on testing and monitoring in its initial brief. AT&T will review the briefs of other parties and will address the issue in its reply brief, if necessary.

F. Counties of Southern Illinois

AT&T has no comments on the Counties of Southern Illinois in its initial brief. AT&T will review the briefs of other parties and will address the issue in its reply brief, if necessary.

IV. SHOULD THE PETITION TO MODIFY THE 9-1-1 SYSTEM PROVIDERS BE GRANTED?

At this time, AT&T does not take a position on whether or not Jackson County's Petition to Modify the 9-1-1 System Provider should be granted. At a minimum, AT&T recommends that the Commission require Jackson County to revise its Plan Modification to address the dedicated transport and traffic aggregation issues raised by AT&T.

V. SHOULD THE JACKSON COUNTY MODIFIED 9-1-1 PLAN BE APPROVED?

At this time, AT&T does not take a position on whether or not Jackson County's Plan Modification should be approved. At a minimum, AT&T recommends that the Commission require Jackson County to revise its Plan Modification to address the dedicated transport and traffic aggregation issues raised by AT&T.

Respectfully submitted,

ILLINOIS BELL TELEPHONE COMPANY
D/B/A AT&T ILLINOIS

NEW CINGULAR WIRELESS PCS, LLC

By: _____
One of Their Attorneys

Mark R. Ortlieb
AT&T
225 West Randolph Street, Floor 25D
Chicago, IL 60606
312/727-6705
mo2753@att.com

CERTIFICATE OF SERVICE

I, Mark R. Ortlieb, an attorney, certify that a copy of the foregoing **INITIAL BRIEF OF AT&T** was served on the following parties by U.S. Mail and/or electronic transmission on May 8, 2014.

Mark R. Ortlieb

SERVICE LIST FOR ICC DOCKET NO. 13-0669

John D. Albers, Administrative Law Judge
Illinois Commerce Commission
527 East Capitol Ave.
Springfield, IL 62701
jalbers@icc.illinois.gov

Karen Boswell
Frontier
104 W. Mulberry St.
Normal, IL 61761
karen.boswell@ftr.com

John R. Clemons
Southern Illinois Law Center, LLC
813 West Main Street
Carbondale, IL 62901
silc@silclaw.net

Matthew L. Harvey
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
mharvey@icc.illinois.gov

Richard W. Hird
Petefish Immel Heeb & Hird, LLP
842 Louisiana Street
Lawrence, KS 66044
rhird@petefishlaw.com

Matt Johnson
Illinois Telecommunications Association
312 South Fourth Street, Suite 100
Springfield, IL 62701
ita@il-ita.com

John H. Kelly, Atty. for NG-911, Inc.
Ottosen Britz Kelly Cooper Gilbert &
DiNolfo, Ltd.
1804 N. Naper Blvd., Suite 350
Naperville, IL 60563
jkelly@ottosenbritz.com

Patrick J. Lustig
Jackson County 9- 1- 1
303 North Robinson Circle
Carbondale, IL 62901
plustig@jc911.org

John E. Rooney, Atty. for Frontier
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
john.rooney@r3law.com

Marci Schroll
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
mschroll@icc.illinois.gov