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**Report by the Public Utilities Commission, Emergency
Services Communication Bureau to the Energy, Utilities
and Technology Committee Regarding E9-1-1 Access
Only Service Pursuant to Resolve 2007 Chapter 157**

FEB 28 2011



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CHAIRMAN

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KAREN GERAGHTY
ADMINISTRATIVE DIRECTOR

January 15, 2011

Honorable Michael Thibodeau, Senate Chair
Honorable Stacey Fitts, House Chair
Energy, Utilities and Technology Committee
115 State House Station
Augusta, Maine 04333-0100

Re: E9-1-1 Access Only Report

Dear Senator Thibodeau and Representative Fitts:

On March 23, 2010, the Joint Standing Committee on Utilities and Energy wrote us regarding the Commission's E-9-1-1 Access Only Report which was submitted pursuant to Resolves 2007, Chapter 157. In that letter the Committee—further to the Commission's suggestion—requested that the Commission undertake an additional year of evaluation and provide a Report to this Committee no later than January 15, 2011. We submit herewith the E-9-1-1 Access Only Report as requested by the required deadline.

Thank you for your attention. If you have any questions regarding the report, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "John A. Cashman".

John A. Cashman
Chairman

On behalf of:

Vendean V. Vafiades
and
David Littell
Commissioners
Maine Public Utilities Commission

cc: Members, Joint Standing Committee on Energy, Utilities and Technology
Jean Guzzetti, Legislative Analyst
Jon Clark, Esq., OPLA Deputy Director

**Report by the Public Utilities Commission
Emergency Services Communication Bureau
To the Energy, Utilities and Technology Committee
Regarding E9-1-1 Access Only Service
Pursuant to Resolve 2007 Chapter 157
January 15, 2011**

I. BACKGROUND

During the 2007 session, the Maine Legislature enacted An Act to Enhance Availability of Emergency Telephone Services (Public Law 2007, Chapter 226). The law requires Local Exchange Carriers (LECs) to provide Enhanced 9-1-1 (E9-1-1) access-only service, or “soft dialtone,” to residential customers after the customer’s telephone service is disconnected. Soft dialtone allows calls to E9-1-1 with no call incoming functionality. The Legislature, in enacting Chapter 226, made it the policy of the State that 9-1-1 be broadly available where it is economically and technically practical. The law required the Public Utilities Commission (Commission) to adopt major substantive rules that specifically address circumstances in which soft dialtone is, and is not required, as well as determine which telephone service providers are subject to the requirements.

In 2008, the Commission submitted its provisionally adopted rule to the Legislature for approval. The Legislature subsequently enacted legislation authorizing final adoption of the rule¹ and required the Commission to 1) set the minimum time period that a LEC must provide E9-1-1 access-only service at 90 days for a residential customer involuntarily disconnected (these are largely for non payment) and 2) submit a report to the Utilities and Energy Committee by December 31, 2009, on its first year of experience with the rule and address the 90 day soft dialtone requirement. The Commission adopted the final rule in July and it became effective October 1, 2008.

In 2009, the Commission Staff attempted to collect the number of soft dialtone records by carrier and account type within the E9-1-1 database to monitor participation by LECs. However, the transition of E9-1-1 database services caused by the FairPoint cutover² from Verizon resulted in a change that prevented this data from being collected for the first six months in 2009. The “insert date” (the date a record is created) for all records in the database was reset to January 30, 2009 making it difficult to properly evaluate the rule’s requirement that a LEC provide soft dialtone for 90 days following an involuntary disconnection. As a result, the Commission determined it was unable to fairly evaluate this part of the rule and in our 2009 report to the Legislature, the Commission recommended conducting an additional year of evaluation. In

¹ Resolve, Regarding Legislative Review of Chapter 3: Provision of Enhanced E9-1-1 Access-only Service, a Major Substance Rule of the Public Utilities Commission. Resolves 2007, Chapter 157.

² The term “cutover” refers to when FairPoint began using its own back office systems and ceased relying on Verizon’s after FairPoint acquired the Verizon network.

response, the Utilities and Energy Committee requested that the Commission undertake another year of evaluation and to report back with the results by January 15, 2011.

II. SIGNIFICANT EVENTS IN THE IMPLEMENTATION OF SOFT DIALTONE

A. FairPoint Communications NNE (FairPoint):

On July 31, 2008, Fairpoint requested a temporary waiver from the rule's requirements for 30 days after the then scheduled cutover date of December 1, 2008. Fairpoint could not fully comply with the provisioning requirements of the rule and could not fully meet the record format requirements of the E9-1-1 database³ until cutover from Verizon was complete. On September 17, 2008, the Commission granted the waiver. On January 28, 2009, FairPoint filed a petition to amend the September Order, requesting a two month extension pointing to a two month delay in cutover which had been rescheduled for January 30, 2009 and citing changed circumstances in operational, service and billing issues unrelated to E9-1-1. The Commission approved the request, extending the waiver until March 1, 2009.

B. FairPoint Telecom Companies:

On March 31, 2010, the FairPoint Telecom Companies (China Telephone Company, Community Services Telephone Company, Maine Telephone Company, Northland Telephone Company of Maine, Inc., Sidney Telephone Company, and Standish Telephone Company, all d/b/a FairPoint Communications) requested a waiver of Section 4(B)(1) of the rule which requires the words "INVOLUNTARY DISCONNECT" (for involuntarily disconnected accounts) or "LEFT-IN-SERVICE-NO CALL BACK" (optional provision of soft dialtone – this is when a company chooses to leave soft dialtone at the location indefinitely for business reasons (e.g., that's it's easier to provision full telephone service to a location that already has soft dialtone versus one that does not)) be placed in the Customer Name field of the E9-1-1 database record. Fairpoint asserted that its billing system did not allow it to place these words in the Customer Name Field as a way of distinguishing the various types of disconnected lines. As an alternative, FairPoint requested to place the differentiating language in the Comment Field. The Commission granted the waiver on April 27, 2010.

³ The transition of services included a change in E9-1-1 Automatic Location Database services. FairPoint's waiver was for Section 4(B) of the Rule regarding the format of soft dialtone records kept by the utility.

C. Oxford Telephone and Oxford West Telephone Companies (Oxford):

On October 24, 2008, Oxford requested a waiver of Section 4(A)(3), which requires a change in telephone number for soft dialtone accounts. This requirement was adopted to assist emergency call takers by identifying a call coming from a soft dialtone account so they know a return call is not possible. Oxford asserted that it was already voluntarily providing soft dialtone to approximately 3,000 accounts, and that the waiver would have no material effect on 9-1-1 call takers because Oxford makes appropriate notes in the database.⁴ The Commission agreed and found that the service provided by Oxford met the spirit of the rule. The waiver was granted November 12, 2008 to all existing and future optional Oxford soft dialtone accounts.

In February 2009 and December 2009, Oxford requested two additional waivers of Section 4. According to Oxford, these waivers were necessary because Oxford's billing vendor could not differentiate between voluntarily disconnected lines, involuntary disconnected lines and optional disconnected lines in the Customer Name Field. Oxford requested to instead be allowed to place "NO CALL BACK" in the Customer Name Field for all disconnected lines and to place the differentiating language in the Location field. The Commission agreed that the service provided by Oxford met the spirit of the rule and the waivers were granted (February 25, 2009 and March 10, 2010).

III. EVALUATION OF THE RULE

In order to evaluate the effectiveness of the rule, the Commission collected monthly call statistics on the number of 9-1-1 calls originating from soft dialtone accounts, monitored the total number of telephone lines disconnected each month and determined the number of disconnected telephone lines that were used to make 9-1-1 calls.

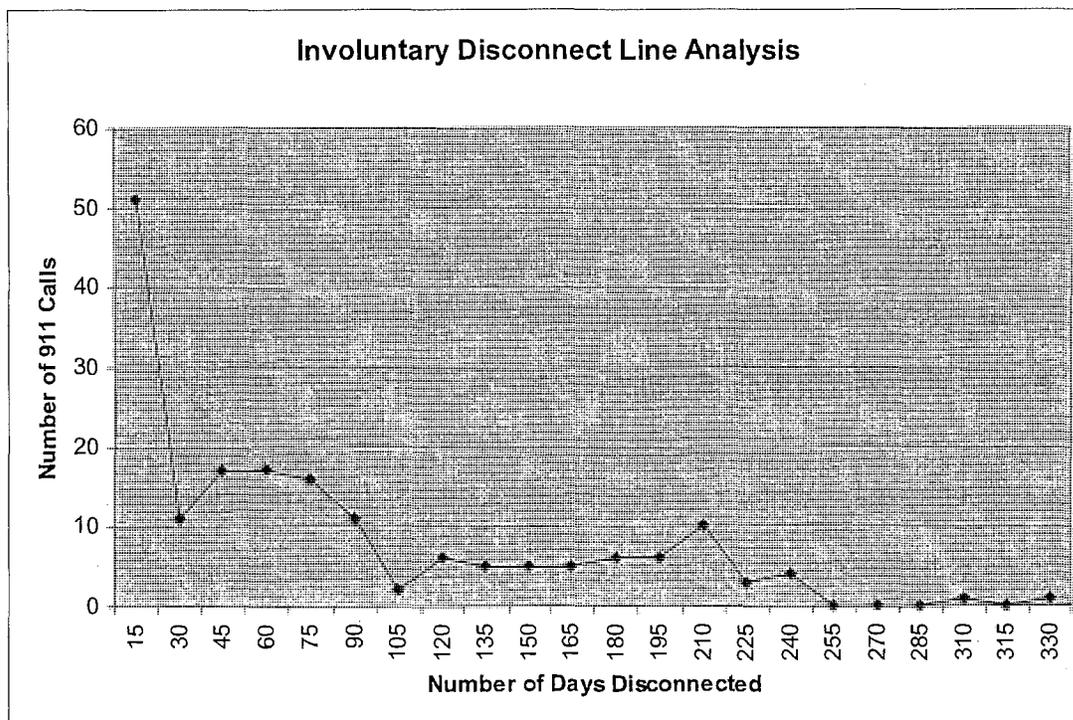
There are three circumstances when soft dialtone will be provisioned: 1) Involuntary Disconnects; 2) Suspended accounts (included both involuntary suspensions (before being permanently disconnected for non payment) and seasonal suspensions); and 3) Optional Soft Dialtone. Of the 748 calls from lines provisioned with soft dialtone, the optional soft dialtone lines were used to place 9-1-1 calls more often than any other type which is likely due to the fact that they account for a larger portion of the soft dialtone accounts in the database. The totals for 2010 are shown below.

⁴ Each record has a "LEFT-IN SERVICE-NO CALL BACK" designation in the E9-1-1 database.

Number of 9-1-1 calls made by Soft Dialtone Type

Year	Involuntary Disconnect	Suspended Service	Optional Service
2010	178	128	442

The data was further analyzed to determine when a 9-1-1 call was most likely to be made after a line was involuntarily disconnected. Of the 178 total emergency calls made from an involuntary disconnected line, 51 emergency calls were made within the first 15 days of being disconnected. Although some telephone carriers opted to keep involuntary disconnected records longer than 90 days, this analysis shows the longer a phone line is disconnected, the less likely it will be used to make an emergency call after 90 days. This data is depicted in the graph below.



The Commission’s Consumer Assistance Division received only one complaint that the 90 day period was too short. This further suggests that 90 days of soft dialtone required by the rule is sufficient.

During the rulemaking process, concern was expressed about the potential for abuse of the 9-1-1 system (e.g., calls made to 9-1-1 for non emergency purposes) if soft dialtone was provisioned. To evaluate this, we further examined the 48 soft dialtone accounts used to make three or more 9-1-1 calls in any one month during 2010. For each of those, Public Safety Answering Points (PSAPs) were requested to review other information such as call recordings and computer aided dispatch entries to determine if the soft dialtone

rule invited abuse of the 9-1-1 system. The review revealed only two cases of abuse in 2010.

While reviewing the call data from the PSAPs, 14 instances were discovered where a faulty line issue caused phantom 9-1-1 calls to be made. This is problematic because most PSAPs follow a policy of sending a responder to every 9-1-1 call to make sure a person is not in need of assistance. Faulty line issues therefore tie up limited emergency responders. Of the 14 faulty line 9-1-1 calls, all but one originated from optional soft dialtone service. Greater awareness of the faulty line problem has resulted in many faulty lines being corrected.

IV. RECOMMENDATION

It appears that the soft dialtone rule is providing a public safety service without undue burden on LECs and first responders. Therefore, the Commission does not propose any changes to the soft dialtone rule at this time.