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**E9-1-1 Access Only Service Report
Pursuant to Resolve 2007 Chapter 157**

**By the Public Utilities Commission
Emergency Services Communication Bureau
To the Utilities and Energy Committee**

December 22, 2009

I. BACKGROUND

During the First Regular Session of the 123rd Legislature, the Legislature adopted P.L. 2007, Chapter 226, An Act to Enhance Availability of Emergency Telephone Services. The law requires Local Exchange Carriers (LECs) to provide Enhanced 9-1-1 (E9-1-1) access-only service, or “soft dialtone”, to a residential customer’s premises 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 E9-1-1 be broadly available where it is economically and technologically practical. The statute required the Public Utilities Commission (Commission) to adopt major substantive rules to implement the law and specifically required the rule to 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, during the Second Regular Session of the 123rd Legislature, the Commission submitted its provisionally adopted “soft dialtone” rule to the Legislature for approval. On March 19, 2008, the Legislature enacted Resolve 2007, Chapter 157, Regarding Legislative Review of Chapter 3: Provision of Enhanced E9-1-1 Access-only Service, a Major Substance Rule of the Public Utilities Commission. The Resolve authorized the final adoption of the provisionally adopted rule with two changes:

- It required that if a residential customer is involuntarily disconnected, a LEC must provide E9-1-1 access-only service for not less than 90 days from the disconnection;
- It made the effective date of Chapter 3 October 1, 2008.

The Commission adopted the final rule and it became effective October 1, 2008. Chapter 157 also required that the Commission submit a report to the Utilities and Energy Committee (Committee) by December 31, 2009, on its first year of experience with the rule and address the appropriate duration of the 90 day soft dial tone requirement.

II. SIGNIFICANT EVENTS IN THE IMPLEMENTAION OF SOFT DIALTONE

A. FairPoint Communications NNE (FairPoint):

On July 31, 2008, Fairpoint requested a temporary waiver of the requirements of Chapter 3, the “soft dialtone” rule, until 30 days after cutover¹, which at the time was scheduled for December 1, 2008. The company stated that because it had not yet cutover from Verizon, it was not fully capable of complying with the requirements of Chapter 3, both with respect to the provisioning of soft dial tone service and the requirements within the rule regarding the format of E9-1-1 database records.² By Commission Order issued on September 17, 2008, the Commission granted the waiver with the condition that FairPoint comply with the rule to the extent possible. As a result, FairPoint continued the practices that Verizon had in place, which included providing soft dialtone for seasonal or vacation disconnects, and making a notation in the customer’s E9-1-1 database records indicating that “no call back” was possible (because they only have the ability to dial E9-1-1).

On January 28, 2009, FairPoint filed a petition to amend the September Order, requesting a two month extension of its original waiver, pointing to a two month delay in cutover (then scheduled for January 30, 2009). The Commission approved the request, extending the waiver until March 1, 2009.

FairPoint’s cutover from Verizon’s systems took place on January 30, 2009. At that point, however, operational, service and billing issues unrelated to E91-1 caused FairPoint to suspend involuntary disconnects until July 2009.

¹ 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.

² In addition to transitioning to new back office systems, FairPoint was also transitioning to new E9-1-1 database (Automatic Location Identification (ALI) Database) services. Chapter 3 includes requirements for consistent procedures for the treatment of soft dialtone database records supporting calls to the E9-1-1 system to maximize safety. Each soft dialtone location has a corresponding record in the E9-1-1 database and those records are identifiable to PSAP responders as soft dialtone records allowing PSAP call takers to quickly recognize calls from soft dialtone locations and respond appropriately (i.e., an E9-1-1 caller cannot be called back so the calltaker may keep the caller on the line until responders arrive on the scene). Pursuant to FairPoint’s contract with Verizon for transitional services, Verizon was not required to make the modifications necessary to comply with Chapter 3 and making such modifications would require time and resources.

Because there were no involuntary disconnects, the soft dialtone requirements were unnecessary because all customers retained all services.

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

Oxford filed requests for two waivers related to Chapter 3. First, on October 28, 2009, Oxford filed a request for a waiver of Section 4(A)(3). This section of the rule requires a LEC to change the telephone number of an account receiving soft dialtone service. This requirement was adopted to assist emergency call takers by identifying a call coming from a soft dialtone account so that they know a return call is not possible.³ Oxford asserted that at the time of the rule's adoption it was already voluntarily providing soft dialtone to approximately 3,000 accounts. The implementation of this requirement would necessitate the creation of 3,000 service orders⁴ for new telephone numbers. Oxford stated that these requirements would be too cumbersome to carry out, and that it would have no material affect because it makes appropriate notes in the database.⁵

The Commission agreed and found that because the service provided by Oxford meets the spirit of the rule the waiver was granted to all existing and future optional Oxford soft dialtone accounts.

Separately, in February 2009, Oxford filed a second request for a waiver from Section 4. Oxford stated that the waiver was required because its billing vendor was not able to provide two different processes—one for voluntarily disconnected accounts and one for involuntarily disconnected accounts. Oxford asserted that if it had to comply, then it would be forced to give up optional soft dialtone services. Again the Commission agreed that the service provided by Oxford meets the spirit of the rule and the waiver was granted

III. EVALUATION OF THE RULE

In order to evaluate the effectiveness of the rule, the Commission Staff collected monthly call statistics on the number of 9-1-1 calls originating from soft

³ A similar requirement applies to soft dialtone after an involuntary disconnection, though Oxford did not request a waiver for involuntary disconnects at that time.

⁴ Oxford has historically provided soft dialtone on all lines, not just those required by the Rule. Oxford asserted this process would be needed to convert existing records to the required format.

⁵ Each record has a "LEFT-IN SERVICE-NO CALL BACK" designation in the E9-1-1 database.

dialtone accounts then categorized the calls one of three ways: 1) Involuntary Disconnects (largely for non-payment); 2) Suspended accounts (included both involuntary suspensions (before being permanently disconnected for non-payment) and seasonal suspensions); and 3) Optional Dialtone. The table below shows the results and reflects a complete year of data from October 1, 2008 – September 30, 2009.

Calls to 9-1-1 by Soft Dialtone Lines by Type		
Service Type	Calls to 9-1-1	# Calling 3 or more times/Mo
Involuntary Disconnect	32	2
Suspended Service	298	12
Optional Service	490	25
Totals	821	39

Commission Staff then requested information from Public Safety Answering Points (PSAPs)⁶ concerning soft dialtone accounts that accessed 9-1-1 more than three times during a month, which might be an indication that there was an abuse of the service (i.e., calls made to 9-1-1 for non-emergency purposes). Through this process, there was only one documented case of abuse of the service discovered. Staff also discovered that there were instances that a faulty line issue caused phantom 9-1-1 calls to be made. This situation creates two problems. First, 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. Secondly, these situations usually require the LEC to roll a truck to correct the problem.⁷

Staff monitored utilities' compliance with Chapter 3 through reports available through the E9-1-1 database but the Commission experienced difficulties in evaluating the requirement for 90 days of soft dialtone following an involuntary disconnect. The primary reason for this was because while transitioning the E9-1-1 database services for cutover, the "insert date" (or date when the record was created) for all records in the database was reset to January 30, 2009. As a result, Commission Staff could not tell when the involuntary disconnections occurred or conduct an analysis of at what point during the 90-day period individuals were utilizing E-9-1-1 access only. Therefore, at this time we can't draw any conclusions about the appropriateness of the 90 day soft dialtone requirement. However, Commission Staff did confer with the Commission's Consumer Assistance Division as to whether any complaints were filed related to soft dialtone. They had no records of such complaints.

⁶ The information request to PSAPs was voluntary and the Commission did not receive information from all PSAPs

⁷ In addition, we are in the process following up on anomalies in record formats that were discovered during the evaluation process.

IV. RECOMMENDATION

As stated earlier, several one time events made data collection difficult and incomplete particularly the fact that the State's largest carrier, FairPoint, did not create involuntary disconnect records for much of the year due to the transition to its own systems and operational, service and billing system issues.

The Commission does not feel that it was able to fairly evaluate Chapter 3, and specifically the requirement that a LEC provide soft dialtone for 90 days following an involuntarily disconnection. Therefore, the Commission recommends that we conduct an additional year of evaluation and provide a report to the Committee on our finding by December 31, 2010.