

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 17, 2018

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2017-00076

*Ex Parte:* In the matter of revising  
the Commission's Rules Governing  
Enhanced 911 (E-911) Service

ORDER FOR NOTICE AND COMMENT

On June 23, 2004, the State Corporation Commission ("Commission") adopted Rules Governing Enhanced 911 (E-911) Service, 20 VAC 5-425-10 *et seq.* ("E-911 Rules") in Case No. PUC-2003-00103.<sup>1</sup> The Commission initiated the E-911 rulemaking in response to complaints received from Public Safety Answering Point ("PSAP")<sup>2</sup> administrators and local governments regarding the quality of E-911 service and billing issues associated therewith.<sup>3</sup> At that time, the Commission noted that the reliability and accuracy of the E-911 service was essential to protecting the public safety and health of many Virginia citizens.<sup>4</sup> Given the passage of time since the Commission established the E-911 Rules in 2004, the Commission concluded that it was appropriate to revisit the E-911 Rules and to make modifications, if necessary, due to changes in applicable laws and technological changes in the telecommunications industry.

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<sup>1</sup> *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing rules governing the provision of enhanced 911 service by local exchange carriers*, Case No. PUC-2003-00103, 2004 S.C.C. Ann. Rept. 201, Order Adopting Rules (June 23, 2004).

<sup>2</sup> A PSAP is a communications operation or facility operated by or on behalf of a governmental entity that is equipped and staffed on a 24-hour basis to receive and process telephone calls for emergency assistance from an individual who dials the digits 9-1-1. *See, e.g.*, §§ 56-484.12 and 56-484.19 of the Code of Virginia.

<sup>3</sup> *See Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing rules governing the provision of enhanced 911 service by local exchange carriers*, Case No. PUC-2003-00103, Order for Notice and Comment or Requests for Hearing (Aug. 1, 2003).

<sup>4</sup> *See Id.*

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On June 8, 2017, the Commission entered an Order Initiating Rulemaking Proceeding to determine whether, and the extent to which, any of the Commission's E-911 Rules should be revised. In this regard, the Commission directed the Commission's Staff ("Staff") to solicit comments from, and schedule a meeting or meetings (as necessary) with, stakeholders and persons having an interest in the Commission's E-911 Rules and the provision of E-911 service in the Commonwealth of Virginia, and to develop, with appropriate input from stakeholders and interested persons, a proposal for any revisions, if necessary, to the current E-911 Rules.

On March 30, 2018, the Staff filed a report ("Staff Report") detailing the Staff's efforts in this undertaking. The Staff Report included proposed revisions to the current E-911 Rules.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that the Staff's proposed revisions, as appended hereto ("Proposed Rules"), should be considered for adoption, and that interested persons should have an opportunity to comment on the Proposed Rules, to request a hearing thereon, or to suggest modifications or supplements to the Proposed Rules. We further find that a copy of the Proposed Rules should be sent to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

Accordingly, IT IS ORDERED THAT:

(1) The Commission's Division of Information Resources shall forward a copy of this Order for Notice and Comment ("Order"), including a copy of the Proposed Rules, to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

(2) A downloadable version of this Order and the Proposed Rules shall be available for access by the public on the Commission's website: <http://www.scc.virginia.gov/case>. A copy of this Order and the Proposed Rules shall be available for public inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street,

Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. A copy of the Proposed Rules may be requested from the Commission's Division of Public Utility Regulation by telephone, regular mail, or e-mail request, and can be found at the Division's website: <http://www.scc.virginia.gov/pur/e911rules.aspx>.

(3) On or before May 30, 2018, any interested person or entity may comment on, propose modifications or supplements to, or request a hearing on the Proposed Rules by filing comments, proposals, or hearing requests with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the papers filed herein. Any interested person desiring to submit comments electronically may do so by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact disks or any other form of electronic storage medium may not be filed with such comments. All correspondence shall refer to Case No. PUR-2017-00076.

(4) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.*

(5) On or before June 20, 2018, the Staff may file with the Clerk of the Commission a report on or a response to any comments, proposals, or requests for hearing submitted to the Commission on the Proposed Rules.

(6) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all local exchange carriers certificated in Virginia as set out in Appendix A; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be provided to the Commission's Office of General Counsel and Division of Public Utility Regulation.

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## STATE CORPORATION COMMISSION

## Rules Governing Enhanced 911 ("E-911") Service

**20VAC5-425-10. Definitions.**

The words and terms in § 56-484.12 of the Code of Virginia shall have application to this chapter. In addition, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Automatic location identification" ("ALI") means the feature by which the name, service address, and supplemental emergency service information associated with the calling party's telephone number are forwarded to the Public Safety Answering Point ("PSAP") for automatic display on the PSAP terminal equipment.

"Automatic number identification" ("ANI") means a feature by which the telephone number associated with a network access line is initially generated and forwarded to a PSAP for display on a 911 terminal.

"Average busy hour" means the one-hour period during the week statistically shown over time to be the hour in which the most telephone calls are received.

"Commission" means the Virginia State Corporation Commission.

"Competitive local exchange carrier" ("CLEC") means an entity, other than a locality, authorized to provide local exchange telecommunications services in Virginia pursuant to § 56-265.4:4 of the Code of Virginia and 20VAC5-417.

"Competitive telephone company" ("CTC") means any ILEC or CLEC that has elected to be regulated as a competitive telephone company in accordance with Chapter 2.1 (§ 56-54.2 et seq.) of Title 56 of the Code of Virginia.

"Database error" means an error in ALI address information caused by a Local Exchange Carrier ("LEC") that affects the ability of a PSAP to route emergency services correctly.

"E-911 ALI database" means the set of ALI records residing on a computer system that is used with ANI to associate a physical location with a telephone number, including information such as name, phone number, address, nearest cross street and special pre-existing conditions.

"E-911 services" means the ~~tariffed~~ services purchased by a jurisdiction for the purpose of processing ~~wireline~~ E-911 calls.

"Foreign central office service" means local exchange telecommunications service that is furnished from one central office to a location typically served by another central office.

"Foreign exchange service" means local exchange telecommunications service that is furnished from one exchange to a location typically served by another exchange.

"Incumbent local exchange carrier" ("ILEC") or "incumbent" means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

"Local exchange carrier" ("LEC") means a certificated provider of local exchange telecommunications services, ~~whether an incumbent or a new entrant~~ encompassing ILECs, CLECs, and MLECs, including ILECs and CLECs regulated as CTCs.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.



"Municipal local exchange carrier" ("MLEC") means a locality certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 of the Code of Virginia and 20VAC5-417.

"Network access line" ("NAL") means a wireline line, trunk, or equivalent.

"New entrant" means a CLEC or an MLEC.

"P.01 grade of service" means a standard of service quality reflecting the probability that no more than one call out of 100 during the average busy hour will be blocked.

"Public safety answering point" ("PSAP") means a facility equipped and staffed to receive and process 911 calls and route them to emergency services personnel.

"Staff" means the commission's Division of ~~Communications~~ Public Utility Regulation ("PUR") and associated personnel.

#### **20VAC5-425-20. General provisions.**

A LEC shall:

1. Provide to its end-user customers access to E-911 service on all NALs where applicable;
2. Provide each relevant PSAP with a means for immediate access to LEC personnel to assist in PSAPs, while processing an emergency-related 911 call, obtaining E-911 record-related information that are capable of providing information related to the PSAP's E-911 services. Such LEC contact shall be available on a 24-hour basis, 365 days a year. Any changes to this contact information shall be communicated in writing, including but not limited to electronic mail ("e-mail"), text, or facsimile, to affected PSAPs within five business days 24 hours;

3. Provide LEC company identification codes on each ALI record submitted to the E-911 ALI database provider;
4. Provide ALI record information such that its E-911 database error rate, for a given PSAP, is no greater than 1.0%. The ALI database error rate shall be the number of a LEC's incorrect ALI address records divided by the total number of a LEC's ALI records queried during a calendar quarter;
5. Submit, or cause to be submitted, no less than 95% of all E-911 ALI database affecting changes (including nonpublished and nonlisted telephone numbers) to the E-911 ALI database provider within 48 hours of the LEC's receipt of notice of the change and 100% within 72 hours, excluding holidays and weekends;
6. Correct, or cause to be corrected, any ALI record within 48 hours of receiving written notification, including but not limited to electronic mail ("e-mail"), text and facsimile, excluding holidays and weekends;
7. Exclude, or cause to be excluded, from the ALI database, ALI records that contain telephone numbers that cannot convey ANI;
8. Provide ALI record information relating to an E-911 emergency immediately upon the ~~verbal~~ request of a verified authorized agent of the PSAP;
9. Advise customers applying for foreign exchange, foreign central office service, or any other wireline service, when there is the potential for problems in reaching the appropriate PSAP;
10. Render to a requesting PSAP, where the LEC provides ALI database services, detail sufficient to verify the accuracy of ALI database telephone number, name, and address information and company identification codes for each ANI. Such information shall be



provided to the PSAP by the LEC on no more than a semi-annual basis and at a reasonable cost;

11. Render to a PSAP, upon request, on no more than a semi-annual basis, at no charge, detail sufficient to verify the accuracy of its E-911 services billing. This shall include, but is not limited to (i) the total number of LEC ANI records of customers within the PSAP's jurisdiction served at each LEC end office, and (ii) the names of the other PSAPs served by each LEC end office where it serves more than one jurisdiction; and

12. Notify each relevant PSAP at least 30 days prior to the commencement or discontinuance of local exchange telecommunications services.

**20VAC5-425-30. Rates, and tariffs, and product guides.**

A. A new entrant's rates for any E-911 services shall be no higher than the lowest applicable rates established by the largest ILEC, as measured by the number of its NALs, serving the geographic area of the relevant PSAP.

B. A LEC, if it provides and charges for E-911 services, shall structure its E-911 services so that it charges PSAPs only for those services that it renders.

**20VAC5-425-40. Provisioning.**

A LEC providing E-911 services shall:

1. Design, construct, maintain, and operate its facilities to minimize interruptions to E-911 services;
2. Determine E-911 service requirements in consultation with the relevant PSAP. These requirements shall be communicated to the PSAP prior to implementation and shall include detail sufficient to allow the PSAP to order E-911 service consistent with a minimum of a P.01 grade of service; and

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3. Provide priority restoration to the PSAP in the event of an outage of the LEC provided services or facilities; and
4. Provide E-911 service consistent with the level of service ordered by a PSAP.

**20VAC5-425-45. Reporting.**

A. A LEC shall inform the staff of an E-911 service outage in Virginia by providing all reports required by the Federal Communications Commission ("FCC") under 47 CFR Part 4 as such FCC reports relate to 911 service. A LEC shall comply with all provisions of 47 CFR Part 4 related to report content, processing, and delivery.

B. Upon request, a LEC shall provide to the commission or staff additional information related to 911 service outages not included in FCC reports as necessary to perform their oversight responsibility.

C. A LEC shall provide the staff a copy of the annual reliability certification and any information submitted with or in addition to such certification required by the FCC under 47 CFR § 12.4, that impact the reliability of 911 service in Virginia. Upon request, a LEC shall provide to the commission or staff additional information as deemed necessary to perform their oversight responsibility.

D. A LEC that participates in the FCC's voluntary Disaster Information Reporting System ("DIRS") shall, contemporaneously with providing information to the FCC, provide the staff with all comparable information related to 911 service outages to PSAPs located in Virginia as provided to the DIRS. This requirement shall remain in place until DIRS is deactivated.

E. Any information provided to the staff in accordance with this section which the LEC designates as confidential shall be afforded confidential treatment in accordance with 5VAC5-20-170 of the Commission's Rules of Practice and Procedure. Staff, until otherwise ordered by the

commission, shall maintain such confidential information in strict confidence and shall not disclose its contents to members of the public.

**20VAC5-425-50. Waiver Commission authority.**

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.

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WAYNESBORO, VA 22980

MCC TELEPHONY OF THE MID-ATLANTIC, LLC  
ANNE SOKOLIN-MAIMON  
VICE PRESIDENT REGULATORY AFFAIRS  
MEDIACOM COMMUNICATIONS CORP  
ONE MEDICOM WAY  
MEDIACOM PARK, NY 10918

LEVEL 3 COMMUNICATIONS OF VIRGINIA, INC  
MR. WILLIAM McCONNELL  
DIRECTOR OF TAX

1025 ELDORADO BLVD.  
BROOMFIELD, CO 80021

LEVEL 3 TELECOM OF VIRGINIA, LLC  
MR. WILLIAM McCONNELL  
DIRECTOR OF TAX  
1025 ELDORADO BLVD.

BROOMFIELD, CO 80021

LIGHTOWER FIBER NETWORKS II, LLC  
MS. FERNANDA MANKO  
REGULATORY COMPLIANCE & LEGAL SERV. MGF  
SUITE 250  
196 Van Buren St  
HERNDON, VA 20170

LOCAL ACCESS LLC  
MR. ROBERT RUSSELL  
Chief Operating Officer/Compliance Officer

11442 LAKE BUTLER BOULEVARD  
WINDERMERE, FL 34786

LUMOS TELEPHONE INC.  
MS. MARY MCDERMOTT  
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MCIMETRO ACCESS TRANSMISSION SERVICE  
JAN CHESNEY  
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METRO FIBER NETWORKS, INC.  
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YORKTOWN, VA 23692-1516

METTEL OF VA, INC.  
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MOBILITIE, LLC  
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NETWORK BILLING SYSTEMS, L.L.C.  
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NEUTRAL TANDEM-VIRGINIA, LLC  
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R. Craig Smith  
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 GLEN E. NELSON  
 NEW HORIZONS COMMUNICATIONS OF VIRGINIA/  
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NEWPATH NETWORKS, LLC  
 MICHELLE SALISBURY  
 SENIOR PARALEGAL - NSD/DAS  
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NORTH RIVER TELEPHONE COOPERATIVE  
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NOS COMMUNICATIONS, INC.  
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ONE VOICE COMMUNICATIONS, INC.  
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ONVOY, LLC  
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OPENBAND OF VIRGINIA, LLC  
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