

The FCC Moves Forward with Potential New 911 Obligations for Hotels and Offices

The Federal Communications Commission will seek public comment on [proposed new rules](#) to require that 911 calls made from hotels, offices and campuses automatically include precise location information, such as room or floor number or the location of the office or desk from which the call originates. Congress directed the agency to take this action as part of the RAY BAUM'S Act adopted earlier this year. The FCC also proposes rules to implement the Kari's Law Act, also enacted earlier this year. Kari's Law, which we summarized in a previous [alert](#), mandates direct 911 dialing.

Implementing Kari's Law on Direct 911 Dialing

Kari's Law requires that all multi-line telephone systems (MLTS) used in hotels, office buildings or campuses have the capability to do two things: (1) dial 911 directly without having to dial any extra digits; and (2) at the same time a 911 call is made, the telephone system must also notify a security desk or central location or person in the enterprise that a 911 call has been made. The law includes a number of terms and requirements that the FCC proposes to clarify. Among the key proposals are the following;

1. The internal notification that a 911 call has been made must occur contemporaneously and must include the fact that a 911 call has been made, a valid call back number and the information about the caller's location that the MLTS has conveyed to the emergency personnel as part of the 911 call. (This last requirement ties in with the proposal, discussed below, that all MLTS provide location information.)
2. The FCC proposes to define an MLTS to include the full range of networked communications systems that serve enterprises, such as over-the-top or cloud-based IP systems, in addition to traditional circuit switched, on-premises PBXs. (The FCC had thought to call these Enterprise Communications Systems (ECS) but will stick with MLTS since that is the term Congress used.)
3. Requires companies that make, import, sell or lease MLTS to ensure that those systems are preconfigured to automatically and by default enable direct 911 dialing and provide the required in-house notification.
4. Kari's Law requires persons that install, manage or operate MLTS to configure the system to ensure direct dialing and notification. Installing, managing and operating are somewhat overlapping functions and can be performed by the same person or multiple entities. The FCC proposes more detailed definitions of these functions and would create a presumption that the person that "manages" the MLTS would bear ultimate responsibility for compliance. The MLTS manager is the person responsible for controlling and overseeing implementation of the MLTS after installation, for example, deciding how lines should be distributed, assigning and reassigning telephone numbers, and ongoing network configuration. Often this is done by in-house IT personnel but might also be outsourced to a third-party vendor. The person managing the MLTS is the entity that would likely be fined by the FCC for noncompliance.
5. Consistent with Kari's Law, the effective date for compliance would be Feb. 16, 2020. Thus, any MLTS manufactured, imported, first sold or leased, or installed after that date must be in compliance. The FCC does

not propose to require currently installed systems to be modified to come into compliance.

6. A number of states already have enacted some version of Kari's Law and those state laws will remain in force.

Requiring 911 Calls to Include "Dispatchable Location" Information

Last September, the FCC sought information on the capabilities of multi-line telephone systems used in office buildings, hotels and campuses to provide dispatchable location information along with the 911 call. (See our [alert](#) on this action). Subsequently, Congress passed the RAY BAUM'S Act requiring the FCC to complete a rulemaking process on this issue by next September. This is the start of that effort.

Consistent with RAY BAUM'S Act, the FCC proposes to define dispatchable location as the street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party. For smaller businesses, the street address likely would be sufficient. The purpose is to enable first responders to more quickly reach the caller in a large office building or hotel. The FCC seeks comment on a host of questions concerning the current capabilities of MLTS to provide such information and how to implement such a requirement. According to information previously submitted to the agency, a number of MLTS already have such capabilities.

The FCC would bar the manufacture, sale, installation or operation of MLTS that are not preconfigured or can be configured to provide dispatchable location information. The same types of entities identified in Kari's Law would be responsible for ensuring location information in these enterprise systems, although the FCC asks which entity would be in the best position to ensure compliance.

The agency does not propose to require any specific types of technology. It does ask whether different requirements should be imposed on premise-based, cloud-based, or over-the-top application solutions.

In addition to MLTS, the FCC asks whether additional or different location information obligations should be imposed on other providers, such as interconnected VoIP providers that serve residential customers, providers of telephone systems to the disabled, and other types of 911 capable systems, such as VoIP systems that only permit outgoing calls.

The FCC proposes that the rules it ultimately adopts for location accuracy would take effect at the same time the Kari's Law requirements would take effect, Feb. 16, 2020.

Timing and Next Steps

This summary is based on a draft notice of proposed rulemaking that will be considered by the FCC at its Sept. 26, 2018, meeting. If history is any guide, the FCC will approve this notice with little, if any, change. Once adopted by the commission, the public will then have the opportunity to respond to the myriad issues and questions raised. Initial comments will be due 45 days after the notice is published in the *Federal Register*, and reply comments will be due 30 days thereafter.

Numerous entities that normally may not follow FCC proceedings, such as owners of hotels and businesses that control their in-house phone systems, will be affected by these proposals and should carefully assess what the

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proposed rules might mean for their business operations. The FCC initially believes that the costs of implementing these changes are likely to be fairly minimal given its understanding of what systems are currently capable of offering in terms of 911 calling. Your input could be valuable in helping the agency develop a set of reasonable requirements.

BHFS has substantial experience working with both providers and users of MLTS and is happy to answer questions you might have.

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