

**Responses to Questions for the Record to  
the Federal Communications Commission from  
Hearing entitled “Oversight of FirstNet and the Advancement of Public Safety Wireless  
Communications” Before the  
Subcommittee on Communications and Technology on November 21, 2013**

Questions from Honorable Greg Walden

- 1. The Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) required the Commission to create a Do-Not-Call registry for Public Safety Answering Points (PSAP) to address concerns about the use of “automatic dialing equipment which can generate large numbers of phone calls in a short period of time, tie up public safety lines, divert critical responder resources away from emergency services and impede access by the public to emergency lines.. [sic] The Commission released a Notice of Proposed Rulemaking (NPRM) on May 22, 2012 and an order on October 17, 2012. When will the registry be operational? Please identify the enforcement actions taken, if any, by the Commission to these complaints. If no action has been taken please explain why.**

Response: The Commission continues to take steps to create the registry to safeguard PSAP phone numbers from autodialed calls, and has sought to do so in a way that is consistent with maintaining the security of these PSAP numbers and optimizes efficiencies and cost savings. Toward this end, we have worked closely with the Federal Trade Commission and its contractor for the National Do-Not-Call registry on ways to effectively and efficiently develop and administer the PSAP Do-Not-Call registry that would not require the FCC to invest in and build its own registry completely separate from that of the FTC. Reflecting the savings from this approach, the Commission has sought sufficient funding levels to establish the registry and for maintenance. The timing and amount of funding will be an important factor in determining when the registry can be completed.

Since February 22, 2012, we have received two complaints to our consumer call center about autodialed calls to PSAPs and staff has been made aware of other complaints about such calls. These incidents primarily involve barrages of calls unleashed against PSAPs as part of schemes to extort money. We have worked with several portions of the federal government, including law enforcement, as well as communications carriers and public safety entities to address these complaints. Separately, the FCC continues to enforce its more general robocalls rules before the registry is operational, and autodialed calls to registered numbers will become an additional offense. The Commission’s Enforcement Bureau currently has a number of active robocall investigations which are potentially relevant, although not specifically focused on PSAPs. Given the prevalence of spoofing (i.e., altering the caller ID displayed on a called party’s phone) by robocallers, identifying those behind such calls presents particular law enforcement challenges.

- 2. The Spectrum Act provides an opt-out mechanism for states intending to opt out of the FirstNet network and deploy their own radio access network. In those instances where a state elects to do so the state must submit its network plan to the FCC for approval. Has the FCC**

**taken any steps to establish the process through which a state can obtain approval? Is the FCC coordinating with FirstNet to ensure that a process will be in place before FirstNet provides notice to the states that triggers the opt-out process? When will the process for Commission review and approval of state network plans be established?**

Response: The Commission will coordinate closely with FirstNet to ensure that the review process by the FCC of state “alternative plans” is conducted in a timely manner, consistent with FirstNet’s deployment plans and associated timeframes. We intend to provide clear guidance on how our process will work before states have to choose whether to opt out under the Act, so that each state can make an informed and timely decision.

**3. The Commission released a Notice of Proposed Rulemaking in June 2012 looking for ways to improve spectrum efficiency and promote greater use of the 4.9 GHz spectrum band. When will the Commission issue an order?**

Response: In March 2013, following the filing of initial comments and replies in response to the Commission’s July 2012 NPRM on the 4.9 GHz band, the National Public Safety Telecommunications Council (NPSTC) formed a working group to develop a proposed 4.9 GHz national plan for the FCC’s consideration. On October 24, 2013, NPSTC filed a final report on its national plan recommendations. On October 30, 2013, the Commission’s Public Safety and Homeland Security Bureau sought comment on the NPSTC report. Comments were filed on November 22, 2013 and replies were filed on December 13, 2013. Based on this record, the Bureau is preparing options for moving forward on this issue.