

Revisiting 911 Network Reliability Again

Article By:

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Last week, the Federal Communications Commission (FCC) [entered into Consent Decrees with eight Covered 911 Service Providers](#) for failing to timely file their required 911 reliability certification in 2020.

The Rules

As background, the FCC [adopted rules](#) in 2013 aimed at improving 911 network reliability. The rules require Covered 911 Service Providers (“Providers”) to take certain measures to provide reliable 911 service. The specific measures adopted by the agency attempt to address three network vulnerabilities [identified by the FCC](#) in the aftermath of the *derecho* storm that knocked out 911 service along the east coast in 2012.

The rules require Providers to promote reliable 911 service with respect to three network elements: circuit auditing, central-office backup power, and diverse network monitoring. Providers must certify annually that they have met the FCC’s safe harbor provisions for each of those elements, have taken reasonable alternative measures in lieu of those safe harbor protections, or that a specific element of the rules does not apply to the Provider’s network. The rules also require Providers to notify public-safety answering points (PSAPs) of any outage that impacts 911 service.

Providers subject to these rules include entities that provide 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, to a PSAP.

The FCC released a [Public Notice](#) a few years ago seeking comment on the efficacy of these rules and soliciting input on whether those rules need to be revised, though the rules have yet to be updated as part of this process.

Consent Decrees

Last week, the FCC [announced](#) that it had entered into Consent Decrees with eight Providers that had filed 911 reliability certifications in prior years but had neglected to do so in 2019, 2020, or both. A Consent Decree is a voluntary settlement between the Provider and the FCC. A Consent Decree typically requires the recipient to admit it violated an FCC rule, pay a fine to the federal government,

and implement a compliance plan to guard against future rule violations.

In this instance, the Compliance Plan element of the Consent Decree may prove more onerous than the fine. In general, the Compliance Plans agreed to by these Providers have several burdensome components, including:

- **Compliance Officer** – Designate a senior corporate manager to serve as the Compliance Officer.
- **Operating Procedures** – Establish operating procedures that all covered employees follow to ensure compliance with the FCC's 911 rules.
- **Compliance Manual** – Develop and distribute a compliance manual to all covered employees.
- **Compliance Training Program** – Establish and implement a compliance training program and train all covered employees on the FCC's 911 rules.
- **Report Noncompliance** – Report any noncompliance within 15 days of discovering such noncompliance.
- **Compliance Report** – File periodic compliance reports with the FCC providing a detailed description of the steps the company has taken to promote compliance with the FCC's 911 rules.

Conclusion

It is never good to be in the crosshairs of the FCC's Enforcement Bureau. And these Consent Decrees are just the most recent example of the Commission's prioritization of public safety issues.

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