

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
VERIZON HAWAII INC. )  
For Approval of Changes to its )  
Tariff. Transmittal No. 05-09, )  
Filed on March 1, 2005, Wireless )  
Enhanced 911 Services. )  
\_\_\_\_\_)

DOCKET NO. 05-0078

ORDER NO. 21709

RECEIVED  
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DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed March 31, 2005  
At 2:30 o'clock P .M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

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Docket No. 05-0078  
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ORDER

The commission allows VERIZON HAWAII INC.'s ("Verizon Hawaii") Transmittal No. 05-09, filed on March 1, 2005, to take effect, effective from April 1, 2005.

I.

Background

Verizon Hawaii: (1) requests the commission's approval of its tariff proposal to establish *wireless* enhanced 911 ("E911") service throughout the State of Hawaii (the "State"); (2) makes its request in accordance with the procedural provisions of Hawaii Revised Statutes ("HRS") §§ 269-12(b) and 269-16(b) and Hawaii Administrative Rules ("HAR") § 6-61-111; and (3) proposes an effective date of April 1, 2005.<sup>1</sup>

Verizon Hawaii served copies of its transmittal upon the Department of Commerce and Consumer Affairs, Division of

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<sup>1</sup>Verizon Hawaii's Transmittal No. 05-09, filed on March 1, 2005, including its supporting cost information filed under confidential seal.

Consumer Advocacy ("Consumer Advocate"). On March 28, 2005, Verizon Hawaii submitted additional cost information, under confidential seal, in response to commission staff's inquiry. No persons, including the Consumer Advocate, filed a protest or objection to Verizon Hawaii's transmittal.

## II.

### Wireless Enhanced 911 Service

Verizon Hawaii files its transmittal under the auspices of federal and State law: (1) Title 47, Part 20, Code of Federal Regulations ("CFR"), Commercial Mobile Radio Services; and (2) Act 159, Session Laws of Hawaii 2004 ("Act 159"), codified at HRS chapter 138, Enhanced 911 Services for Mobile Phones.

Presently, Verizon Hawaii provides E911 service throughout the State for emergency calls from both landline and wireless telephone users, in accordance with its Tariff No. 3, Section 35. Of particular note, Verizon Hawaii provides the Public Safety Answering Point ("PSAP") equipment through the E911 service, while: (1) each respective county operates the PSAP positions; and (2) the Department of Defense ("DOD") operates Verizon Hawaii-provided PSAP positions for the local military bases.<sup>2</sup>

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<sup>2</sup>A 911 telephone call is automatically connected to a PSAP that routes the call to the appropriate emergency response team (i.e., police, fire department, ambulance). "E911 service automatically transfers the caller's telephone number (automatic number identification or 'ANI') and address information (automatic location information or 'ALI') to the PSAP." Verizon Hawaii's Transmittal No. 05-09, at 2.

Nonetheless, "because wireless telephones are mobile, the location of the [wireless] phone cannot be identified by the current E911 system[,] and "Phase I and Phase II . . . in 47 CFR § 20.18 address[es] this problem by enabling the transfer of location information from the wireless service providers ("WSPs") to the PSAPs."<sup>3</sup> Specifically:

1. For Phase I, WSPs "must provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their systems to the designated [PSAP] through the use of ANI and Pseudo-ANI[,] within six (6) months of a request by the designated PSAP."<sup>4</sup>

2. For Phase II, WSPs must provide to the designated PSAP "the location of all 911 calls by longitude and latitude in conformance with [the] Phase II accuracy requirements" set forth in 47 CFR § 20.18(h).<sup>5</sup>

To facilitate the implementation of wireless E911 service in the State, Act 159, which took effect on July 1, 2004: (1) provides a cost recovery mechanism for the deployment of Phases I and II wireless E911 service; and (2) establishes a monthly wireless E911 surcharge that, subject to certain exceptions, is assessed on each commercial mobile service connection in the State. See HRS chapter 138.

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<sup>3</sup>Id. at 2.

<sup>4</sup>47 CFR § 20.18(d).

<sup>5</sup>Id. at § 20.18(e).

Verizon Hawaii proposes to establish Section 35A, entitled "Wireless 9-1-1 Emergency Telephone Service," as part of its Tariff No. 3 ("Section 35A").<sup>6</sup> Verizon Hawaii states that:

1. The underlying purpose of Section 35A is to implement wireless E911 service throughout the State, in accordance with Phases I and II of 47 CFR § 20.18.

2. Each county and the DOD will be responsible for paying the proposed wireless E911 rate according to the number of PSAP positions they operate.

3. The WSPs will be responsible for providing or subscribing to trunks to connect their network to the selective router and to their designated third-party ALI database provider, as necessary.

4. Its "wireless E911 service will enable the transmission of Phase I and Phase II information from the selective router in each county (i.e., the tandem central office switch) to the applicable PSAP."<sup>7</sup>

5. It anticipates receiving requests from the PSAPs to provide Phases I and II wireless E911 service in early 2005.<sup>8</sup>

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<sup>6</sup>Section 35A defines a "wireless 9-1-1 service line" as "a local loop connection from a central office to the PSAP being served by that central office."

<sup>7</sup>Verizon Hawaii's Transmittal No. 05-09, at 3.

<sup>8</sup>Verizon Hawaii notes that the County of Maui ("County") PSAP, i.e., the County Police Department, has requested Nextel Partners, Inc. to deliver Phases I and II wireless E911 service within the County. See Exhibit V of Verizon Hawaii's Transmittal No. 05-09.

6. It seeks approval to provide wireless E911 service on a three (3)-year commitment basis, at the monthly rate of \$2,315.

The purpose of Verizon Hawaii's transmittal is to facilitate the implementation of wireless E911 service throughout the State, consistent with the public interest and federal and State law. The commission will allow Transmittal No. 05-09 to take effect, as proposed, effective from April 1, 2005.<sup>9</sup>

### III.

#### Orders

##### THE COMMISSION ORDERS:


1. Verizon Hawaii Inc.'s Transmittal No. 05-09, filed on March 1, 2005, is allowed to take effect, effective from April 1, 2005.
2. In the event of any conflict between any tariff provision of Section 35A and State law, State law shall prevail.
3. This docket is closed.

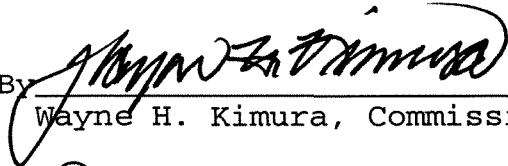
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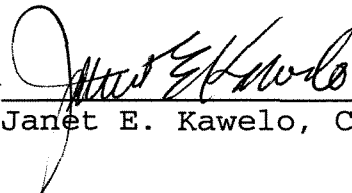
<sup>9</sup>Section 35A contains extensive limitation of liability and immunity provisions on Verizon Hawaii's behalf. The commission makes clear that in the event of any conflict between any tariff provision and State law, State law shall prevail.

DONE at Honolulu, Hawaii MAR 31 2005.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

VHI.05.09.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21709 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

JOEL K. MATSUNAGA  
VICE PRESIDENT, EXTERNAL AFFAIRS  
VERIZON HAWAII INC.  
P. O. Box 2200  
Honolulu, HI 96841

  
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Karen Higashi

DATED: MAR 31 2005