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In 1999, Congress established 911 as the nationwide emergency number, and called for a system that would use the best technology available to deliver emergency assistance. Now, 16 years later, our emergency response system faces an emergency of its own in the form of outdated technology. To fix this, our emergency responders — police, fire and ambulance — urgently need the help of government leaders at all levels.

Simply put, the communications technology behind the 911 system is dangerously out of date. Currently, the centers handle about 240 million calls a year, an increasing number of them from cellphones. But many local 911 call centers can't receive a text, photo or video from a person in need — capabilities that are considered commonplace for any American with a smartphone. Worse, while our nation makes the transition to broadband networks, too many of our 911 call centers rely on decades-old telephone technology — technology that is no longer being supported by commercial vendors and prone to failure. The market forces driving the broadband revolution will soon have the nation's 911 system resting on a foundation of sand.

The good news is we know what to do. The nation's 911 call centers need to upgrade

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to "Next Generation 911," or NG911. NG911 links 911 call centers to the latest Internet Protocol-based networks, uses mapping databases and software to route calls and pinpoint the real-time location of 911 callers, and supports voice, text, data and video communication. NG911 also gives responders better tools to handle high call volumes in major emergencies and to defend against cyberthreats as the system migrates to Internet-based networks. The bottom line is that NG911 will make our 911 system more accessible and more reliable, and it will dramatically improve emergency response.

We already see this brighter 911 future in pockets across the country. Some state and local 911 decision makers have made important strides toward migrating their call centers

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to NG911, which has improved functionality and resiliency. But too many — a large majority — have not. To date, the transition to NG911 has been slow and ragged, increasing overall cost and risk of failure, while leaving us well short of our goals of improving emergency response and saving lives. In addition, while some federal money has been set aside for studies and NG911 transition challenges, it's a drop in the bucket.

It's not as if state and local leaders don't want to move to NG911, or don't recognize the need. There are understandable reasons that the transition has lagged. Running day-to-day operations is itself an all-consuming challenge and during the transition to NG911, state and local 911 authorities must continue to support legacy operations while also investing in new technology and work force training. This increases cost and complexity at a time when our public safety resources are already stretched thin.

Just because the slow implementation of the next generation of emergency systems is understandable, however, doesn't make it excusable. The fractured implementation leaves Americans at greater risk. We have to do better.

To accelerate the transition to NG911, the F.C.C. adopted rules last year to ensure that mobile providers enable the delivery of texts to 911 (which some carriers provide free of charge). The commission has also proposed modernizing the 911 governance structure to ensure that communications remain reliable as the technologies and vendors that support our public safety networks change.

Today's 911 service involves a complex quilt of new providers in addition to traditional telephone companies, so it is important for local, state and federal authorities to clearly define their roles and responsibilities, especially during events like service outages. Everybody that is part of the 911 call-completion process needs to be held accountable to make sure that the most important call any of us will ever make goes through.

As for next steps, our laws need to reflect the changing realities on the ground. We must make the benefits of NG911 available to all Americans, not just those fortunate enough to live in a few well-resourced communities. Only Congress can provide what state and local authorities require to deliver effective 911 services to all their citizens. This includes one-time funding assistance to 911 jurisdictions to get them through the NG911 transition. Done right, smart federal investment will actually *lower* costs by shortening the transition period and enabling 911 authorities to retire costly legacy facilities more quickly.

Here's what NG911 will deliver: Emergency responders in the future will be able to get video, maps and other information that can improve response times. Also, in a large-scale crisis, 911 call centers equipped with NG911 technology will be better able to handle the sudden surges of emergency calls that can overwhelm a center today.

Technology is changing our world, and those of us charged with protecting public safety need to change with it. If we work together to tackle the challenges and seize the opportunities of new technology, we can save lives and build a safer America. – **Op-ed by FCC Chairman Tom Wheeler in *New York Times***

The FCC has announced a series of eye-popping fines against companies over the past two years: Roughly \$100 million against nearly a dozen firms for defrauding a phone subsidy program, \$35 million against a Chinese company for selling illegal wireless jamming equipment, and \$100 million against AT&T this June for throttling customers on unlimited data plans.

But how much of that money has the commission actually collected? \$0.

While the FCC has always had a cumbersome process to impose penalties, the increasingly large fines proposed by the FCC are highlighting the gap between attention-grabbing press releases and slow-moving collection. The disconnect is drawing scrutiny in Congress as the FCC's enforcement bureau – led by a former aide to California Attorney General Kamala Harris – is aggressively targeting companies on everything from their

billing practices to data security to Wi-Fi blocking. "If an enormous fine is announced and it's never prosecuted, it makes you wonder what's the purpose?" said House telecom subcommittee Chairman Rep. Greg Walden (R-Ore.). "The question is, are they just after headlines or some sort of performance metric? I don't know."

The FCC enforcement process has never been quick. After the agency proposes a fine, companies have around 30 days to either pay or challenge it. The fine isn't officially due until the FCC completes its investigation -- a process that can take years. Even after that review is complete, the FCC has to rely on the Justice Department to collect the money if a company doesn't agree to pay.

The FCC would not comment on the outstanding cases involving Lifeline, the low-income phone subsidy program, saying it can't talk about ongoing proceedings. But a spokesperson said the practice of issuing proposed fines -- technically called notices of apparent liability (NALs) -- is a major tool to protect consumers, even if companies don't ultimately pay a full penalty. The FCC, which says it normally conducts extensive inquiries before proposing a fine, has seen instances of companies adjusting practices to comply with agency rules after an NAL is filed, said the spokesperson, who declined to be identified, saying the FCC has a policy about not speaking on the record about its enforcement bureau.

Lyft, for example, changed its terms of service just days after the FCC issued the ride-hailing app a citation in September for running afoul of the nation's robocall laws. And AT&T, which is aggressively fighting the proposed \$100 million fine issued this summer, increased its throttling threshold in September for some unlimited plan users from 5 gigabytes to 22 gigabytes of data per month.

But the FCC's propensity to tout eye-catching fines is irking key lawmakers -- as well as Republicans at the commission -- who question the agency's effectiveness since the money often goes uncollected for years. In announcing some of the proposed Lifeline fines in 2013, the agency trumpeted, "Today's actions constitute the most recent step in the Commission's significant efforts to root out waste, fraud, and abuse in the Lifeline program and preserve the overall integrity of the Universal Service Fund (USF)."

But the FCC has yet to officially impose the penalty on those companies -- and several are still deemed eligible to receive FCC reimbursements for phone subsidies, according to data from the Universal Service Administrative Company, which runs Lifeline. "I am beyond confused as to why not one dime of that has been collected," Sen. Claire McCaskill (D-Mo.) said at FCC Commissioner Jessica Rosenworcel's renomination hearing last month. "We might as well have a big flashing sign that says, 'Doesn't matter, do whatever you want in the Lifeline program because we're not even gonna bother to collect the money. And we're gonna keep paying you.'"

TracFone, one of the Lifeline providers targeted by the FCC, said after the hearing that no fine has been imposed by the FCC yet. They declined to comment for this story. Like other law enforcement proceedings, the FCC spokesperson said, conducting a thorough investigation can take a long time -- a process that can become even more complicated at an independent agency run by political appointees. The FCC often tries to resolve a group of similar cases at the same time, which can also delay enforcement efforts, the spokesperson said. In October, for example, the FCC finalized multi-million dollar fines against four pre-paid calling card companies that the FCC says used deceptive marketing practices -- more than four years after the fines were proposed.

Meanwhile, telecom industry trade groups are criticizing the FCC's approach under Enforcement Bureau Chief Travis LeBlanc, a former aide to California Attorney General Kamala Harris. Using the threat of big fines to force companies to change their practices sends the wrong message, said Micah Caldwell, vice president of regulatory affairs at ITTA, a trade group that represents medium-sized communications companies. "Certainly the atmosphere and the environment right now is one where

providers and [regulated companies] are on alert and concerned about what the future holds for them," she said.

The agency has been particularly active on consumer-friendly enforcement issues like Wi-Fi blocking under LeBlanc's tenure, which began in March 2014. He has focused on securing explicit commitments from industry that companies will improve their behavior, and the FCC says it has collected 84 percent of the penalties it finalized over the last two years.

Consumer advocates say that FCC efforts to pressure companies to change their practices can be effective, but that the agency should use its bully pulpit judiciously. If the commission doesn't effectively penalize companies, its power is weakened in the long-term, said Mark Cooper, research director for Consumer Federation of America. "When the lion roars, the gazelles run. The problem is that if the lion roars too much and never eats a meal, the gazelles will stop running," he said. "You have to find the line where you elicit the behavior you want." – *Politico*



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