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VIA ELECTRONIC AND OVERNIGHT DELIVERY

Kalun Lee
Hearing Officer
Department of Telecommunications and Cable
1000 Washington Street
Boston, Massachusetts 02118-6500

Re: D.T.C. 11-7
Application of Nexus Communications, Inc. for Designation as an
Eligible Telecommunications Carrier for Low Income Support Only

Dear Mr. Lee:

During last week's *in camera* inspection of the Wholesale Agreement in effect between Nexus Communications, Inc. ("Nexus") and Verizon Wireless, you inquired about the existence of an obligation on the part of Verizon Wireless to provide 911/E911 access to Nexus' subscribers. I am writing in response to your inquiry.

The Department can be assured that Nexus' subscribers will have access to emergency services via 911/E911 on a non-discriminatory basis. Both Verizon Wireless and Nexus have a legal and regulatory obligation to provide 911/E911 access to Nexus' subscribers. The Wholesale Agreement obligates Verizon Wireless to provide Nexus with Commercial Mobile Radio Service ("CMRS") using Verizon Wireless' facilities. CMRS is further defined in the agreement to include all CMRS services encompassed in FCC Rule 20.9.¹

This service definition is critical because FCC rules make access to 911/E911 a mandatory and integral part of CMRS, the service Verizon Wireless provides to Nexus.² Specifically, 47 C.F.R. § 20.18(b) states that CMRS providers "must transmit *all* wireless 911 calls without respect to their call validation process to a public service answering point, or, where no public service answering point has been designated, to a designated statewide default answering point or appropriate local emergency authority" (emphasis added). Thus, the language of FCC Rule 20.18(b) obligates Verizon to transmit all CMRS 911/E911 calls to the

¹ 47 C.F.R. § 20.9.

² Indeed, the 911/E911 access obligation for CMRS providers has been deemed so critical that it applies even in the case of non-service initialized handsets. *See* 47 C.F.R. § 20.18(1).

appropriate PSAP or appropriate emergency responder, irrespective of whether the call originates from its own subscriber or a Nexus subscriber.

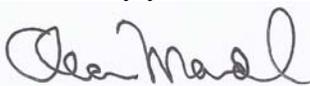
Under FCC Rule 20.18(m), wireless resellers such as Nexus have an independent obligation to provide access to basic and E911 service, to the extent of its underlying facilities-based licensee.³ See 47 C.F.R. § 20.18(m).⁴ In adopting this rule in 2003, the FCC made clear its expectation that the underlying carriers could, and would, provide 911/E911 access to the subscribers of wireless resellers.⁵

Moreover, access to these 911/E911 services is provided on a non-discriminatory basis to Nexus subscribers by Verizon Wireless. Please see Confidential Exhibit 7, provided in response to Information Request D.T.C. 1-17.

For all of these reasons, the Department can be assured that Nexus' subscribers will have non-discriminatory access to emergency services via 911/E911, as is the case in more than two dozen other states in which Nexus provides wireless, Lifeline-supported services utilizing Verizon Wireless facilities.

Please do not hesitate to contact me if the Department has any further questions regarding this issue or needs any additional information.

Sincerely yours,



Alan D. Mandl

cc: Service List

³ In addition, as a provider of Lifeline-supported services, the FCC's *Lifeline Reform Order* mandates that Nexus must ensure its subscribers' access to 911/E911 services. 27 FCC Rcd. 6656 at ¶ 374. Section III of Nexus' FCC Compliance Plan describes Nexus' practices to ensure compliance with the FCC's 911/E911 access conditions set forth in the *Lifeline Reform Order*. The FCC Wireline Competition Bureau found these plans to be satisfactory when it approved Nexus' Compliance Plan on December 26, 2012. See Amended Application, Exhibit A at 16-17.

⁴ 47 C.F.R. § 20.18(m) ("Beginning December 31, 2006, resellers have an obligation, independent of the underlying licensee, to provide access to basic and enhanced 911 service to the extent that the underlying licensee of the facilities the reseller uses to provide access to the public switched network complies with [47 C.F.R. §] 20.18(d) - (g).").

⁵ See *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd. 25340 at ¶ 93 (2003) ("as licensees have shown through their deployment of the infrastructure necessary for enhanced 911 to occur, it is technically feasible to comply with our rules, and because resellers use those same facilities, it is by extension technically feasible for them to comply as well.").