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AUGUST 17, 2015

SPECIAL BULLETIN

911 Service—Backup Power

In the second in a series of orders released under the general subject of “technology transitions”, the FCC [addressed](#) the issue of backup power for emergency services when the communications service provided is not line-powered. In summary, the FCC will require providers of covered services to offer new customers, at the point of sale, the option to purchase a power backup solution. In addition, providers will be required to provide certain information to new customers at the point of sale and annually to new and current customers regarding backup power issues.

Power Backup

The Commission will require all providers of covered services to offer new residential customers, at the point of sale, a backup power solution that offers at least 8 hours of standby power (not talk time) and that can be purchased by the customer. The FCC did not adopt any certain solution, noting there are already numerous solutions being used today by various providers. After three years, the minimum standby backup power solution will be 24 hours. Customers are free to purchase the offered solution or not, and providers will be able to recover any costs incurred in the offering and installation of the backup power solution.

Covered Services

Any facilities-based, fixed voice service offered as residential service, including fixed applications of wireless service, that is not line powered.

- Does not include mobile wireless service

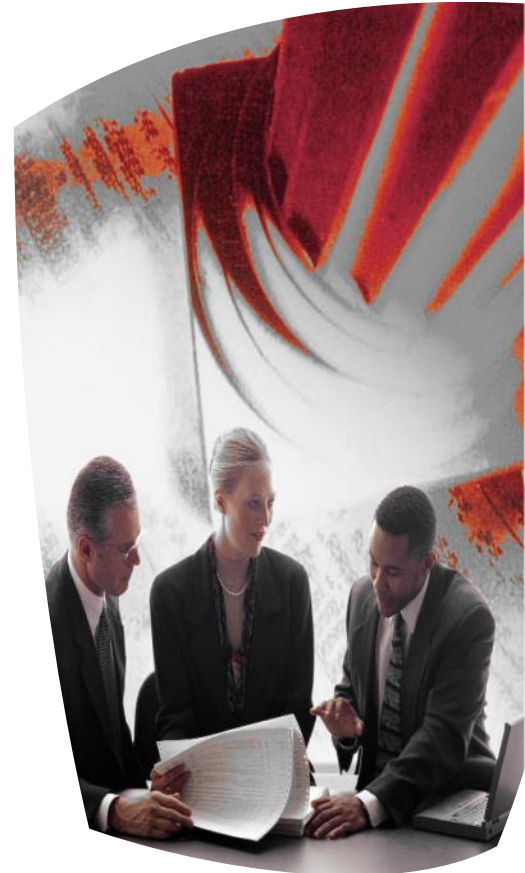
Providers will not be required to retrofit existing infrastructure to accept the adopted backup power solution. In other words, this new backup power rule only applies on a prospective basis to new residential customers subscribing to a covered service.

The FCC notes that 24 hour standby backup power solutions exist and are in use today, but due to the relative rareness of this amount of backup, the Commission decided to phase-in the requirement. It also noted that the 24 hour requirement could be met by, for example, a rack of 3 eight hour batteries.

The new backup power requirement takes effect 120 days after publication of the FCC’s order in the Federal Register.

Customer Information

Perhaps the more controversial issue, judging from the opposition of many providers (AT&T, ITTA, etc) is the FCC’s requirement that providers disclose certain information to customers regarding their service and backup power. The initial and annual customer



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Questions? Comments?

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disclosures are to include, at a minimum, the following:

- (1) availability of backup power sources;
- (2) service limitations with and without backup power during a power outage;
- (3) purchase and replacement options;
- (4) expected backup power duration;
- (5) proper usage and storage conditions for the backup power source;
- (6) subscriber backup power self-testing and monitoring instructions; and
- (7) backup power warranty details, if any.

The FCC will release example language for providers to use prior to the rule becoming effective.

As stated above, the backup power disclosure must be provided to new customers at the point of sale (i.e., the business office, via phone, or online, depending on how the customer set up new service), and to new and current customers annually thereafter. The disclosure must be in a form such that it is most reasonably assured to reach the customer, and can be based on how the customer generally interacts with provider (online billing, paper billing, email, etc). For now, providers have some measure of flexibility on how to provide this information, although customer complaints can always set FCC enforcement action in motion.

The customer disclosure requirement will sunset on September 1, 2025, under the theory that these issues will be widely known by then and customers will no longer require annual education.

Conclusion

All carriers that, for example, deploy a FTTH network without some time of line powered backup should prepare to implement these rules, if they are not being met today. According to the FCC, there are multiple 8 hour backup power solutions in use today, and providers are free to offer for sale any that are compatible with the technology deployed. In addition, customer education material, in the form of point of sale disclosures and annual notices, should be readied for use in the near future (we recommend waiting for the language generated by the FCC before engaging significant effort). Questions to be addressed include how to disseminate the information to customers - bill messages, email, online billing notices—that has the best chance to reach the intended customers.

Please let us know if you have any questions.



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