

## §9.7

(f) *Compliance Letter.* All interconnected VoIP providers must submit a letter to the Commission detailing their compliance with this section no later than November 28, 2005.

### §9.7 Access to 911 and E911 service capabilities.

(a) *Access.* Subject to the other requirements of this part, an owner or controller of a capability that can be used for 911 or E911 service shall make that capability available to a requesting interconnected VoIP provider as set forth in paragraphs (a)(1) and (a)(2) of this section.

(1) If the owner or controller makes the requested capability available to a CMRS provider, the owner or controller must make that capability available to the interconnected VoIP provider. An owner or controller makes a capability available to a CMRS provider if the owner or controller offers that capability to any CMRS provider.

(2) If the owner or controller does not make the requested capability available to a CMRS provider within the meaning of paragraph (a)(1) of this section, the owner or controller must make that capability available to a requesting interconnected VoIP provider only if that capability is necessary to enable the interconnected VoIP provider to provide 911 or E911 service in compliance with the Commission's rules.

(b) *Rates, terms, and conditions.* The rates, terms, and conditions on which a capability is provided to an interconnected VoIP provider under paragraph (a) of this section shall be reasonable. For purposes of this paragraph, it is evidence that rates, terms, and conditions are reasonable if they are:

(1) The same as the rates, terms, and conditions that are made available to CMRS providers, or

(2) In the event such capability is not made available to CMRS providers, the same rates, terms, and conditions that are made available to any telecommunications carrier or other entity for the provision of 911 or E911 service.

(c) *Permissible use.* An interconnected VoIP provider that obtains access to a capability pursuant to this section may use that capability only for the

## 47 CFR Ch. I (10–1–16 Edition)

purpose of providing 911 or E911 service in accordance with the Commission's rules.

[74 FR 31874, July 6, 2009]

EFFECTIVE DATE NOTE: At 74 FR 31874, July 6, 2009, §9.7(a) was added. This paragraph contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

## PART 10—WIRELESS EMERGENCY ALERTS

### Subpart A—General Information

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- 10.1 Basis.
- 10.2 Purpose.
- 10.10 Definitions.
- 10.11 WEA implementation timeline.

### Subpart B—Election to Participate in Wireless Emergency Alerts System

- 10.210 WEA participation election procedures.
- 10.220 Withdrawal of election to participate in WEA.
- 10.230 New CMS providers participating in WEA.
- 10.240 Notification to new subscribers of non-participation in WEA.
- 10.250 Notification to existing subscribers of non-participation in WEA.
- 10.260 Timing of subscriber notification.
- 10.270 Subscribers' right to terminate subscription.
- 10.280 Subscribers' right to opt out of WEA notifications.

### Subpart C—System architecture

- 10.300 Alert aggregator. [Reserved]
- 10.310 Federal alert gateway. [Reserved]
- 10.320 Provider gateway requirements.
- 10.330 Provider infrastructure requirements.
- 10.340 Digital television transmission towers retransmission capability.
- 10.350 WEA Testing requirements.

### Subpart D—Alert message requirements

- 10.400 Classification.
- 10.410 Prioritization.
- 10.420 Message elements.
- 10.430 Character limit.
- 10.440 Embedded reference prohibition.
- 10.450 Geographic targeting.
- 10.460 Retransmission frequency. [Reserved]
- 10.470 Roaming.

### Subpart E—Equipment requirements

- 10.500 General requirements.