

**ORDER NO. 83944**

IN THE MATTER OF THE  
COMMISSION'S INVESTIGATION INTO  
THE OUTAGES OF VERIZON  
MARYLAND INC. 9-1-1 NETWORK IN  
MARYLAND

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 9265  
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**Issue Date: March 25, 2011**

**ORDER TO SHOW CAUSE**

**To: Verizon Maryland Inc.**

The Public Service Commission ("Commission") has conducted several hearings on outages that have occurred on the Verizon Maryland Inc. ("Verizon") 9-1-1 network in which the underlying Maryland County Public Safety Answering Point ("PSAP") was not advised of the network failure. In the most recent hearing held on March 2, 2011, representatives of the Prince George's County PSAP and the Montgomery County PSAP appeared and identified a series of multiple instances in which some or all of the 9-1-1 trunks delivering calls from wireless devices to the applicable PSAP were out-of-service, and callers were receiving fast busy signals. The dates of these "outages" were: July 25, 2010; December 17, 2010; January 26, 2011; and January 31, 2011.

Although the Verizon Network Operational Center ("NOC") was aware that a "fast busy" situation had occurred on the trunks providing 9-1-1 calls to the PSAPs, the NOC did not notify the Verizon Customer Care Center ("CCC"), which then could have notified the PSAPs. There was testimony that the NOC procedures did not require it to

contact the CCC, even though these trunks were a part of a public safety network necessary for the public to contact the PSAPs to obtain assistance for situations which may well be life-threatening. Further, the PSAPs testified that had they been aware that the outages occurred, they could have initiated a public information plan to advise the public (and emergency providers) that the outages existed and provide alternative means for the public to contact the PSAP or other emergency responders.

On the dates identified, the inability of persons' calls to be delivered to the PSAP represented a public safety hazard. Although failures may occur in the network, the PSAPs have a back-up plan in the event any lengthy outage occurs, and can alert the public to alternative methods to ensure that the public is able to request emergency assistance. These plans, however, are useless unless the PSAP is aware of the outage, and it is able to implement these alternative measures. Verizon's lack of prompt and timely communications to the PSAPs that some or all of the 9-1-1 trunks were not working properly and calls were not being delivered during these emergency situations is unacceptable.

Section 5-303 of the Public Utilities Article, *Annotated Code of Maryland* ("PUA") mandates that "[a] public service company shall furnish equipment, services, and facilities that are safe, adequate ... and efficient...." The information obtained during the hearing held on March 2, 2011 about the outages that the Prince George's County PSAP and the Montgomery County PSAP experienced and the lack of timely, or any, communications by Verizon about the 9-1-1 trunk failures leads the Commission to conclude preliminarily that Verizon violated § 5-303 of the PUA. Verizon placed the safety of these County residents in jeopardy as the 9-1-1 calls directed to the PSAPs that

would otherwise have been answered by the PSAPs could not be answered. Further, due to the lack of any timely notice of the outages, the PSAPs were unable to alert these residents of alternative means to contact the PSAP for emergency assistance.

Section 13-201(b)(1) of the PUA grants authority to the Commission to impose a civil penalty not exceeding \$10,000 per separate offense<sup>1</sup> against a person who violates a provision of the PUA.<sup>2</sup> Further, § 13-202(c)(1) of the PUA gives authority to the Commission to impose a civil penalty on a public service company that violates a provision of the PUA that relates to safety. Prior to making a determination on whether Verizon violated a provision of the PUA and, if so, whether to issue a civil penalty or the amount of a civil penalty, the Commission will provide Verizon an opportunity to show cause as to why the Commission should not make a conclusive finding that Verizon violated § 5-303 of the PUA, and, if it makes that finding, why a civil penalty should not be imposed on Verizon for its failure to provide safe, adequate and efficient services, thereby, endangering the public safety of the residents of the two counties.

**IT IS THEREFORE**, this 25<sup>th</sup> day of March, in the year Two Thousand Eleven by the Public Service Commission of Maryland,

**ORDERED:** (1) That Verizon Maryland Inc. shall appear before the Commission on April 5, 2011 at 11:30 a.m. in the Commission's 16<sup>th</sup> Floor Hearing Room, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202 to show cause why: (a) the Commission should not conclusively find that Verizon violated § 5-303 of the Public Utilities Article for failure to promptly communicate the outage or

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<sup>1</sup> Section 13-201(c)(2) and (3) of the PUA provides that each violation is a separate offense and that each day or part of a day the violation continues is a separate offense.

<sup>2</sup> Section 13-201(d) of the PUA sets forth the factors the Commission shall consider prior to determining the amount of a civil penalty.

failure of 9-1-1 network service to Prince George's County and/or Montgomery County on July 25, 2010; December 17, 2010; January 26, 2011; and January 31, 2011; and (b) if the Commission finds that Verizon violated § 5-303 of the Public Utilities Article, it should not impose a civil penalty on Verizon Maryland Inc., pursuant to either § 13-201 or § 13-202 of the Public Utilities Article or both.

By Direction of the Commission,

*/s/ T. J. Romine*

Terry J. Romine  
Executive Secretary

cc: Ronald Decker, Chief Staff Counsel  
Paula Carmody, People's County  
Gordon Deans, Maryland Emergency Numbers System Board  
Bill Ferretti, Montgomery County Police 9-1-1  
William McGowan, Prince George's County Public Safety Communications