

FCC Takes No Action Against Verizon 911 Outage; Maryland Still Investigating

February 3, 2012

Last year, we posted a couple of items about [outages in Verizon's 911 call completion systems](#), and investigations by the FCC and the Maryland PSC. We thought now would be a good time for an update on those investigations.

FCC: As we noted previously, the FCC investigation was started by the Public Safety Bureau, not the FCC's Enforcement Bureau, which suggested to us that the Commission was not looking to impose fines for the outages. We are left to guess what happened, however, because the FCC has not released any information about the investigation since the February 2011 [Inquiry Letter](#).

One thing we do know, however, is that the FCC cannot now impose a fine for the outage that sparked the investigation. Section 503 of the Communications Act limits the FCC to taking enforcement action against common carriers only for violations that occurred within one year of the date of the Notice of Apparent Liability. The outages in question occurred on January 26, 2011, which would mean that the FCC had to issue a NAL by January 26, 2012 if it sought to impose a fine. Because it has not done so, the FCC is barred from proposing a fine for that outage.

Maryland PSC: The Maryland PSC held a hearing in March 2011 and then [ordered Verizon to show cause why a civil penalty should not be imposed](#). Subsequently, the Maryland PSC [expanded its investigation](#) to include another outage affecting wireless and VoIP 911 calls that occurred on May 30, 2011. After a hearing into that outage, [Verizon maintains that no fines may be imposed](#). The Maryland [PSC staff is recommending a civil penalty](#) be assessed. The Maryland case has been under advisement since October 2011.