

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request of The National Association of State 911)	RM-11780
Administrators to Address Issues Related to 911)	
Applications for Smartphones)	
)	

REPLY COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“Motorola Solutions”) respectfully submits its reply comments in response to the request by the National Association of State 911 Administrators (“NASNA”) to initiate a proceeding to address issues related to smartphone 9-1-1 applications (“9-1-1 apps”).¹ Standing at the vanguard of ensuring the availability, reliability, and resiliency of advanced public safety and emergency communications systems, Motorola Solutions understands the importance of, and strongly supports, 9-1-1 access. Although NASNA’s recommendations reflect thoughtful consideration of real-world issues, they are best addressed through voluntary industry action rather than prescriptive government regulation. Commission oversight of 9-1-1 apps would not only threaten to stifle unintentionally lifesaving innovation, such as location accuracy improvements, but also exceed the bounds of the Commission’s regulatory authority.

NASNA’s genuine concerns regarding the safety of 9-1-1 apps are best addressed by industry stakeholders through the development of industry-wide best practices, standards work,

¹ See Letter from Evelyn Bailey, Executive Director, National Association of State 9-1-1 Administrators, to Tom Wheeler, Chairman, FCC, RM-11780 (Oct. 18, 2016) (“NASNA Request”); *Public Safety and Homeland Security Bureau Seeks Comment on Request of The National Association of State 911 Administrators to Address Issues Related to 911 Applications for Smartphones*, RM-11780, Public Notice, 31 FCC Rcd 13246 (2016) (“Public Notice”). Unless otherwise noted, all comments cited were filed in the RM-11780 docket.

and codes of conduct. These proven methods of industry engagement enable nimble responses that are better suited to the breakneck speed of mobile app technology evolution. Actively involved with numerous groups and Standards Development Organizations working to enhance the performance of NG9-1-1 systems and processes, Motorola Solutions supports the work of the industry groups seeking to ensure the safety and effectiveness of public safety apps. In addition, Commission-led public-private initiatives like the Communications Security, Reliability, and Interoperability Council, the Technical Advisory Council, and the Task Force on Optimal Public Safety Answering Point Architecture have addressed 9-1-1 issues and produced recommendations and voluntary best practices.

In the context of 9-1-1 apps, the Commission should continue to promote and leverage these industry-led efforts, which as AT&T points out, have resolved many past 9-1-1 calling issues.² Despite the best of intentions, regulatory oversight of the mobile app ecosystem would constrain app developers and could inadvertently prohibit advances in lifesaving technology, such as apps designed to improve location accuracy. Motorola Solutions agrees with AT&T that “industry collaboration among 9-1-1 app providers could be a path forward to addressing many of the legitimate concerns raised by NASNA . . . and should be encouraged.”³

To the extent 9-1-1 app developers engage in unlawful or improper behavior as alleged by NASNA, the Federal Trade Commission (“FTC”) already has ample authority under Section 5(a) of the FTC Act to weed out “unfair or deceptive acts or practices.”⁴ Motorola Solutions agrees with NTCA that “the FTC is a better venue to holistically review” NASNA’s concerns

² Comments of AT&T, at 2.

³ *Id.*

⁴ 15 U.S.C. § 45(a).

and “is better positioned to act.”⁵ In addition to being ill-suited for the breakneck speed of app development, Motorola Solutions agrees with commenters that Commission regulation of 9-1-1 apps would be unlawful.⁶ Notably, commenters advocating for regulation generally bypassed the threshold issue of the statutory authority for such FCC regulation. And, in their desire for the Commission to regulate apps, these advocates ignore Chairman Pai’s recognition of the limits on the agency’s authority.⁷ Because Congress has not granted the FCC the authority to regulate 9-1-1 apps, the Commission should decline NASNA’s invitation to impose such regulations.

Rather than adopting regulations applicable to 9-1-1 apps in this proceeding, the Commission should defer to existing industry, public safety, and government mechanisms to address NASNA’s concerns.

Respectfully submitted,

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⁵ Comments of NTCA – the Rural Broadband Association, at 3.

⁶ See Comments of NTCA, at 1-2; Comments of ACT | The App Association, at 3; Comments of AT&T, at 2.

⁷ See *Protecting and Promoting the Open Internet*, Dissenting Statement of Commissioner Ajit Pai, 30 FCC Rcd 5601, 5951 (2015) (“One of the most basic of those flaws is the FCC’s determination that it can reclassify broadband Internet access service as a Title II telecommunications service. Neither the text of the Communications Act nor our precedent condones such a decision. . . In short, this decision is unlawful.”)