

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving the Wireless Resiliency Cooperative Framework)	PS Docket No. 11-60
)	
)	

REPLY COMMENTS OF CONSUMER GROUPS

**Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
National Association of the Deaf (NAD)
Hearing Loss Association of America (HLAA)
Association of Late-Deafened Adults, Inc. (ALDA)
National Association of State Agencies of the Deaf and Hard of Hearing, Inc. (NASADHH)
National Association for State Relay Administration (NASRA)
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH)**

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), National Association of the Deaf (“NAD”), Hearing Loss Association of America (“HLAA”), Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of State Agencies of the Deaf and Hard of Hearing, Inc. (“NASADHH”), National Association for State Relay Administration (“NASRA”) and California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (“CCASDHH”) (collectively “Consumer Groups”), through TDI’s undersigned counsel, hereby respectfully submit these reply comments in response to the April 1, 2019 Public Notice (“Notice”) issued by the Federal Communications Commission’s (“Commission’s”) Public Safety and Homeland Security Bureau (the “Bureau”).¹ These reply comments focus on the importance of expanding the availability of text-to-911 service, a service that is critical to the

¹ See Public Safety and Homeland Security Bureau Seeks Comment on Improving the Wireless Resiliency Cooperative Framework, Public Notice, PS Docket No. 11-60, at 2 (rel. Apr. 1, 2019) (“Notice”).

deaf and hard of hearing community at any time but particularly during natural disasters such as hurricanes that can cause widespread outages or degradation of conventional telephone service and power.

Consumer Groups agree that text-to-911 is a very valuable service in particular for deaf and hard-of-hearing individuals. Consumer Groups understand that CTIA and public safety stakeholders reached a voluntary agreement filed with the Commission on December 6, 2012, which included a commitment for the largest wireless carriers to make text-to-911 available to their customers.² Consumer Groups are pleased that the Commission ultimately adopted a requirement for covered text providers to be capable of transmitting texts-to-911.³ In adopting the text-to-911 capability requirement, the Commission expressly recognized that “text-to-911 is not a market driven service,” that “there is demand for the service from deaf, hard of hearing, and speed-disabled individuals” and that “the marketplace has not responded to this demand.”⁴

Notwithstanding the demonstrated utility and importance of text-to-911 and the Commission’s efforts to foster implementation of text-to-911 capabilities, text-to-911 remains available only in a minority of areas across the country. The Commission recognizes that

² See Letter from Terry Hall, APCO International, Barbara Jaeger, NENA, Charles W. McKee, Sprint Nextel, Robert W. Quinn, Jr, AT&T, Kathleen O’Brien Ham, T-Mobile USA, and Kathleen Grillo, Verizon, to Julius Genachowski, Chairman, Federal Communications Commission, and Commissioners McDowell, Clyburn, Rosenworcel and Pai; PS Docket 11-153, PS Docket No. 10-255 (filed Dec. 6, 2012) (“Text-to-911 Agreement”) (committing to adoption of text-to-911 by May 15, 2014).

³ See *Facilitating the Deployment of Text to 911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, Second Report and Order, 29 FCC Rcd. 9846 (2014) (“Text-to-911 Order”). Consumer Groups note that the text-to-911 obligation is somewhat limited as the Commission required only that carriers make automatic bounce-back messages available when a wireless subscriber is roaming outside of their home wireless network or where text-to-911 is not available. See *Facilitating the Development of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, Report and Order, 28 FCC Rcd. 7556 (2013) (Bounce-Back Order); *Facilitating the Development of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, Order on Reconsideration, 28 FCC Rcd. 14422 (2013).

⁴ *Text-to-911 Order*, 29 FCC Rcd. at 9862, ¶ 33.

“[t]oday most consumers cannot reach 911 by sending a text message from their wireless phone.”⁵ This is because Public Safety Answering Points (“PSAPs”) must first be capable of accepting text-to-911 before carriers must enable text-to-911 under the Commission’s rules, and the vast majority of PSAPs lack readiness for receiving text-to-911. According to data maintained by the Commission, as of May 2019, only approximately 30 percent of all PSAPs have reported to the Commission that they are capable of accepting texts-to-9-1-1.⁶

The record in this proceeding demonstrates the importance of text-to-911 being available in times of emergency and particularly during widespread voice network outages. For example, text-to-911 remained available in King County, Washington throughout a widespread outage in the Washington 911 network that interfered with the ability for voice calls to reach 911.⁷ The continued lack of widespread availability of text-to-911 service is particularly concerning in the context of disasters and emergency incidents involving mass power outages that interfere with the ability for deaf and hard of hearing individuals to communicate with emergency services. Although text-to-911 may have been available in some areas during Hurricane Harvey,⁸ as noted in Consumer Groups’ comments, local authorities in at least one other location in Texas had to rely on ad hoc alternatives such as using a personal cell phone number for accessing emergency management via text.⁹

⁵ See FCC, Text-to-911: Quick Facts & FAQs, <https://www.fcc.gov/consumers/guides/text-911-quick-facts-faqs>. See also FCC, Text-to-911: What You Need to Know, <https://www.fcc.gov/consumers/guides/what-you-need-know-about-text-911> (“Remember that in most cases you cannot reach 911 by sending a text message.”).

⁶ See <https://www.fcc.gov/files/text-911-master-psap-registryxlsx>; <https://www.fcc.gov/general/psap-text-911-readiness-and-certification-form#block-menu-block-4>.

⁷ See Comments of Consumer Groups, PS Docket No. 11-60, at 5-6 (filed Apr. 29, 2019) (“Consumer Groups Comments”).

⁸ Comments of CTIA-The Wireless Association, PS Docket No. 11-60, at 3 (filed April 29, 2019) (“CTIA Comments”) (noting use of text-to-911 by the deaf and hard of hearing community during Hurricane Harvey).

⁹ Consumer Groups Comments, at 4.

Consumer Groups emphasize that ensuring the availability of text-to-911 service and network resiliency are critically important before, during, and after major incidents, not just as part of the restoration process. Consumer Groups are encouraged that some states such as California have proposed deadlines for PSAPs to enable text-to-911,¹⁰ but overall progress toward real-world implementation of text-to-911 has remained slow across the country. For example, the proposed California bill would require such capability to be available by June 1, 2021, which is still two years away. The Commission should continue to support the ongoing work by industry and public safety stakeholders toward ensuring that text-to-911 functionality is being made available throughout the country. As a part of that effort, Consumer Groups recommend that the coordination and education undertaken pursuant to the Framework include discussions with local authorities and PSAPs about challenges they face in implementing text-to-911 capability and developing a reasonable specific timetable for PSAPs to accept text-to-911. This coordination should also involve the Department of Justice given its jurisdiction over PSAPs pursuant to Title II of the Americans with Disabilities Act.

Moreover, the availability of text-to-911 functionality (or lack thereof) should be an active focus of consumer readiness and preparation efforts pursued under the Framework. Including text-to-911 as a component of engagement with local authorities and consumer education would better ensure that text-to-911 capability is a priority, while at the same time ensuring that consumers are educated before disasters occur that text-to-911 may not be available in all places across the country. This approach is also consistent with the Framework's effort to

¹⁰ See AB-1168 Emergency Services: Text to 911 (Feb. 21, 2019), http://www.leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1168. This proposed bill was heard and passed in the California Assembly Communications and Conveyance Committee on April 24, 2019.

“promote better consumer understanding of the implications of relying solely on wireless networks.”¹¹

Finally, Consumer Groups acknowledge innovative services like mobile applications that are increasingly available to consumers for engaging with emergency services and utilities.¹² However, Consumer Groups caution against concluding that proliferating mobile applications will obviate the need for a continued focus on ensuring increased access to text-to-911 service because it is unclear the extent to which mobile applications are capable – or will at some point be capable – of reaching PSAPs. Moreover, such mobile applications may not be fully compliant with the Americans with Disabilities Act, for example by not being compatible with screen reading software. This means that some deaf or hard of hearing users may not be able to use them effectively.

Respectfully Submitted,

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¹¹ *Improving the Resiliency of Mobile Wireless Communications Networks; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, Order PS Docket Nos. 13-239 & 11-60, 31 FCC Rcd. 13745, 13751, ¶ 17 (2016).

¹² CTIA Comments, at 3 (noting that Florida officials encouraged residents to rely on mobile applications for County services, power outages and other updates).

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Dated: May 20, 2019