

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Implementation of the National Suicide ) WC Docket No. 18-336  
Hotline Improvement Act of 2018 )

**CTIA COMMENTS**

CTIA submits these comments in response to the Federal Communications Commission’s (Commission’s) Public Notice (Notice)<sup>1</sup> seeking comment on issues to inform the location identification report required by Congress under the National Suicide Hotline Designation Act of 2020 (Suicide Hotline Act).<sup>2</sup>

**I. INTRODUCTION AND SUMMARY.**

CTIA appreciates the opportunity to provide information on the feasibility of automatically including location information with 9-8-8 calls as the Commission prepares its report to Congress pursuant to Section 5 of the Suicide Hotline Act. CTIA supports Congress’s goal of ensuring Americans have ready access to the support and services needed to prevent suicide and manage other critical mental health issues, and commends Congress for its efforts to gather more information on how to make the National Suicide Prevention Lifeline (Lifeline) as effective as possible.

As discussed in more detail below, the provision of automatic location information for 9-8-8 calls raises a host of issues, including technical issues, privacy concerns, and policy implications that warrant careful consideration as the Commission prepares its report to

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<sup>1</sup> Public Notice, *Wireline Competition Bureau Invites Comment on Costs and Feasibility of Providing Location Information for 988 Calls and Clarifies 988 Implementation Date*, WC Docket No. 18-336, DA 20-1378 (rel. Nov. 19, 2020).

<sup>2</sup> National Suicide Hotline Designation Act of 2020, Pub. L. No. 116-172 (Suicide Hotline Act).

Congress. Further, in its report to Congress, CTIA encourages the Commission to recommend that stakeholders be convened to develop recommendations to address the technical, legal, and policy issues that will need to be resolved if the national Lifeline will be expected to receive and manage location information of mobile wireless 9-8-8 callers.

**II. FURTHER STUDY AND DEVELOPMENT IS NECESSARY TO EVALUATE THE TECHNICAL FEASIBILITY OF PROVIDING AUTOMATED LOCATION INFORMATION WITH A 9-8-8 CALL.**

Today, when a dialer calls 9-1-1, a mobile wireless handset goes into “emergency mode” to collect all of the relevant data necessary, provide the most accurate location information possible to the wireless network, and to transmit that information to the appropriate local public safety answering points (PSAP). 9-8-8 is not currently part of the “emergency mode” call flow within a mobile wireless handset or network, and significant standards work and technical implementation would be necessary to support 9-8-8 in the call flow. In its report to Congress, the Commission should describe the many operational and technical issues that the national Lifeline, affiliated crisis centers, the 9-1-1 community, and wireless industry would need to address before wireless providers should be expected to deliver automated location information of 9-8-8 calls to the national Lifeline.

As a threshold matter, it is unclear whether location information associated with 9-8-8 calls should be delivered to the national Lifeline or its affiliated local crisis centers, or whether such information will need to be passed through to local PSAPs when dispatch of emergency services are deemed necessary. In developing its report to Congress, it is important for the Commission to evaluate the roles, responsibilities, and capabilities of the national Lifeline, local crisis centers, and PSAPs to receive and transfer location information that could be initiated through a 9-8-8 call and used in a meaningful way.

Moreover, it is not clear that the national Lifeline or its affiliated crisis centers have the technological capacity to use location information today. In order to use automatic location information with 9-8-8 calls, the national Lifeline and its local affiliate crisis centers will likely need to have Customer Premises Equipment (CPE) and other facilities comparable to those used by PSAPs for 9-1-1 calls today. This will require significant investment on the part of the Lifeline and affiliated crisis centers. In the 9-1-1 context, for comparison, wireless providers have worked with the public safety community for years to develop clear processes and standards to generate and deliver location information to PSAPs, and the public safety community has invested in the equipment necessary to interpret and use that information for dispatch or other purposes. The Commission should determine whether the Lifeline or its affiliated local crisis centers will have such a capability before providers are expected to expend significant resources to support a similar capability for 9-8-8.

Depending on how location information is to be used in the 9-8-8 context, new standards, operating procedures, and technologies may also need to be developed if the Lifeline plans to transfer the caller and their associated location information from the Lifeline to local PSAPs for emergency response. In the 9-1-1 context today, wireless providers deliver 9-1-1 calls to the selective router associated with the appropriate PSAP based on the caller's location. Under the Commission's recently adopted rules, however, providers are only required to deliver 9-8-8 calls to the national Lifeline, which is not location-specific.<sup>3</sup> In the event an emergency response is necessary, the Lifeline may need to identify the appropriate local PSAP to handle the call. This feature – transferring a national 9-8-8 call to a local 9-1-1 trunk – would represent a

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<sup>3</sup> See *Implementation of the National Suicide Hotline Improvement Act of 2018*, Report and Order, 35 FCC Rcd 7373, 7395 ¶ 42 (2020).

technological and interoperability capability that providers, the Lifeline, and public safety may not currently support. Developing such capability presents a number of technological and logistical challenges that would have to be addressed.

Further, wireless providers and handset manufacturers have invested significant resources over many years to support the existing automated location information process for 9-1-1 on handsets and networks. While the general capability to provision location information with 9-1-1 calls may be useful for 9-8-8 calls, there will likely be many unknown technical issues that will need to be considered before 9-8-8 can be added to the “emergency mode” call flow, including the scope of existing handsets that may be capable of supporting any new 9-8-8 calling features. Given that automated location provision is limited to 9-1-1 calling today, the Commission should recognize in its report to Congress that the entire mobile wireless ecosystem—including network equipment, handsets, and operating systems—would need to invest significant resources in order to support the provision of automated location information with calls to 9-8-8.

Finally, the Commission and Congress should consider that requiring providers to deliver location information with 9-8-8 calls may raise additional operational and legal questions. For example, addressing novel 9-8-8 challenges may divert resources from Congress’s and Commission’s goals with respect to encouraging the transition to Next Generation 9-1-1. In addition, Congress and the Commission should evaluate whether existing liability protections that encourage PSAPs and providers to support 9-1-1 calls apply in this new context where location information is added to a 9-8-8 call.<sup>4</sup>

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<sup>4</sup> See, e.g., 47 U.S.C. § 615a (providing “immunity or other protection from liability” in “connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma

Thus, the Commission’s report to Congress should make clear that supporting the provision of location information with 9-8-8 calls is far more complicated than simply extending the existing 9-1-1 location framework to 9-8-8 calls. The Commission should recommend to Congress that stakeholders be convened to develop recommendations to address the technical, legal, and policy issues that will need to be resolved if the national Lifeline will be expected to receive and manage location information of mobile wireless 9-8-8 callers.

**III. THE DELIVERY OF LOCATION INFORMATION WITH A 9-8-8 CALL RAISES SIGNIFICANT PRIVACY QUESTIONS.**

**A. The Commission Should Consider the Scope and Applicability of Existing Federal Privacy Laws.**

As the Commission prepares its report to Congress, it should evaluate potential privacy concerns with the delivery of location information with 9-8-8 calls. It is not clear that the provision of information to the national Lifeline and local crisis center volunteers or mental health professionals would be covered by one of the enumerated exceptions to the confidentiality protections afforded to telecommunications customers under Section 222 of the Communications Act.<sup>5</sup>

Section 222 of the Communications Act allows telecommunications providers to deliver proprietary information—including location information—to “a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user’s call for emergency services” or “to providers of information or database management

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care facility of subscriber information related to emergency calls, emergency services, or other emergency communications services”).

<sup>5</sup> 47 U.S.C. § 222.

services solely for purposes of assisting in the delivery of emergency services in response to an emergency.”<sup>6</sup> At this time, the Commission has not made clear that a call to 9-8-8 would qualify as a “call for emergency services” under the law, as the term “emergency services” is currently defined as “9–1–1 emergency services and emergency notification services.”<sup>7</sup> Congress and the Commission therefore should consider whether modifications would be necessary to Section 222 or other privacy laws if it is determined that location information should be passed with 9-8-8 calls to the national Lifeline or its affiliated crisis centers.

**B. The Commission Should Consider the Privacy Expectations of 9-8-8 Callers.**

As the Commission prepares its report to Congress, it should also consider the potential policy implications that the automatic provision of location information could have on people in crisis. When a mobile wireless caller dials 9-1-1, it is with the expectation that the caller’s location information will be delivered to a PSAP so that emergency services can be rendered at the location of the caller’s emergency. When a mobile wireless caller dials 9-8-8, however, the expectation of privacy may be different.

Today, the ten-digit suicide hotline provides free and confidential emotional support to people in crisis or emotional distress 24 hours a day, 7 days a week.<sup>8</sup> The Lifeline has stated that its employees and volunteers preserve the confidentiality of callers and only contact the police if intervention is absolutely necessary.<sup>9</sup> Even so, the Lifeline has acknowledged that the main

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<sup>6</sup> *Id.* § 222(d)(4)(A).

<sup>7</sup> *Id.* § 222(h)(5).

<sup>8</sup> National Suicide Prevention Lifeline, <https://suicidepreventionlifeline.org/> (last visited Dec. 14, 2020).

<sup>9</sup> *Id.*; see also Upstate Warrior Solution, *The Truth About the National Suicide Prevention Lifeline & Crisis Line: Debunking the Myths* (Mar. 12, 2020), <https://upstatewarriorsolution.org/the-truth-about-the-national-suicide-prevention-lifeline-crisisline-debunking-the-myths/>.

deterrent to calling the Lifeline for people having suicidal thoughts is concern that doing so may compromise their privacy or autonomy.<sup>10</sup> If location information is automatically collected and delivered with every 9-8-8 call, the Commission should consider the impact on the Lifeline's goals of providing a confidential space for people in crisis to seek help.

#### **IV. CONCLUSION.**

CTIA commends Congress for its efforts to consider how to make the Lifeline as effective as possible. The provision of automatic location information with 9-8-8 calls raises a host of technical, operational, and policy implications that warrant careful consideration in the Commission's report to Congress. Further, CTIA encourages the Commission to recommend that stakeholders be convened to develop recommendations to address the issues that would need to be resolved if the Lifeline will be expected to receive and manage location information of mobile wireless 9-8-8 callers.

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<sup>10</sup> See Alia E. Dastagir, *What actually happens when you call the National Suicide Prevention Lifeline*, USA Today (Sept. 10, 2018), <https://www.usatoday.com/story/news/2018/09/10/suicide-hotline-national-suicide-prevention-lifeline-what-happens-when-you-call/966151002/>.

Respectfully submitted,

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