

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

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In the Matter of)	
)	
Facilitating the Deployment of Text-to-911)	PS Docket No. 11-153
and Other Next Generation 911 Applications)	
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255
)	
_____)	

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

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Competitive Carriers Association (“CCA”) submits these reply comments to the Federal Communications Commission (the “FCC” or “Commission”) in response to the *Third Further Notice of Proposed Rulemaking* (“*Third FNPRM*”) ¹ in the above-captioned proceedings, in which the Commission seeks comment on “technical issues related to the provision of enhanced location information and support for roaming for text-to-911, as well as the capabilities of future texting services.” ²

I. INTRODUCTION AND SUMMARY

CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes more than 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members

¹ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, Further Notice of Proposed Rulemaking, FCC 14-118 (Aug. 13, 2014) (“*Third FNPRM*”).

² *Id.* at ¶ 2.

consisting of small businesses, vendors, and suppliers that serve carriers of all sizes. CCA's members support the Commission's initiative to move forward on the important public safety benefits that text-to-911 may bring to consumers in the future. However, any action taken by the Commission must take into account practical and technical realities. Prior to mandating carriers to implement any particular solutions, the Commission should first ensure that the technologies that underpin any such solutions have been fully vetted and validated by industry stakeholders and technical working groups. The Commission must also consider the unique and disproportionate impact that any mandates may have on smaller competitive carriers.

At the outset, the term "best available" in the context of enhanced location means different things to different carriers. It would be difficult for carriers to determine, without significant further guidance, what technologies might be considered the "best available," thus making it impossible for carriers to truly prepare for the implementation of enhanced text-to-911 services. Rather, CCA proposes that the Commission consider a "reasonably achievable" standard similar to that used in other Commission actions, as discussed in greater detail below.

Regardless of the standard chosen, it is entirely premature for the Commission to mandate location information requirements for text-to-911, especially within two years.³ While roaming solutions may be developing a bit faster, like location information for text-to-911 two years is not enough time to tackle the challenges associated with implementing text-to-911 service for roaming subscribers.⁴ Due to the uncertainty surrounding available technologies and appropriate standards, the Commission should wait for commercial solutions or technical working groups to fully vet proposed solutions for text-to-911 enhanced location accuracy and

³ *Id.* at ¶ 82.

⁴ *Id.* at ¶ 109.

roaming prior to imposing any implementation deadlines. Further, any implementation deadlines should be accompanied by a reasonable waiver process, whereby carriers who are unable to implement the mandated solutions are able to seek additional time to come into compliance.

II. THE COMMISSION MUST CLEARLY DEFINE ITS PROPOSED RULES FOR LOCATION ACCURACY, USING STANDARDS THAT WILL PROVIDE CARRIERS WITH SUFFICIENT GUIDANCE FOR IMPLEMENTATION

The *Third FNPRM* proposes requiring carriers to provide the “best available” location information possible to public safety access points (“PSAPs”) under the Commission’s text-to-911 rules, but does not define what “best available” actually means. Indeed, the Commission describes this standard as “a less specific obligation . . . as an initial matter.”⁵ A broad, undefined term like “best available” makes it effectively impossible for providers to know with any degree of certainty whether the solution that they are providing to their customers at any given time will meet this standard. Such an undeveloped standard also makes predicting a specific timeframe for implementation impractical.

Concerns have been raised in the record over the Commission’s proposed standard for interim enhanced location information.⁶ For example, CTIA notes that requiring covered text providers to constantly seek out the best available technology—or set of technologies should the carrier provide service in varying profiles of areas—would put a significant drain on resources and “create[] a regulatory framework where a carrier may be compliant one day and non-compliant the next”⁷ AT&T similarly argues that “the result is a proposed rule that is inherently ambiguous, leaving covered text providers unsure of their compliance obligations and

⁵ *Id.* at ¶ 82.

⁶ *See* Comments of AT&T, Inc. at 3-4; Comments of CTIA – The Wireless Association at 11-12.

⁷ Comments of CTIA at 11.

susceptible to unnecessary and unfair future enforcement actions.”⁸ CCA agrees with these concerns. While CCA appreciates the Commission’s aim of steering away from Phase II-like mandates for SMS-based text-to-911 service, “best available” means different things to many different carriers. What is “best available” at any given time can depend on the type of air interface over which a provider offers service, the geography and spectrum over which it operates, the wireless devices most prevalent among its customers, and the size of the carrier’s network and customer base. For example, the “best available” technology for a 1,000-subscriber rural CDMA carrier may be significantly different than the “best available” technology for a 100 million-subscriber nationwide GSM carrier. Compounding fears is the question in the *Third FNPRM* related to “additional factors [the Commission] should consider with respect to assessing what should be considered the ‘best available location’ for a particular text-to-911 session[.]”⁹ The “best available” standard does not allow providers to target their efforts toward a successful, uniform goal.

As an alternative, and to the extent the Commission ultimately decides to adopt a near-term location information requirement, CCA proposes that the Commission adopt a “reasonably achievable” standard, similar to what was used in the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).¹⁰ Unlike the *Third FNPRM*, the CVAA clearly defines the types of measures that providers are expected to take to meet the “achievable”

⁸ Comments of AT&T at 3. Adopting a vague standard, or a specific standard that has no basis in the written record of this proceeding, may open the Commission to an Administrative Procedure Act challenge by a carrier against whom enforcement is taken. The Commission should therefore seek to conserve resources and avoid unnecessary litigation by confining its standards to those based on record evidence.

⁹ *Third FNPRM* at ¶ 86 (emphasis added).

¹⁰ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-260.

standard. Under the CVAA, “achievable” is defined as “with reasonable effort or expense.”¹¹ In addition, Congress directed the Commission to consider specific factors when making an achievability determination in connection with CVAA obligations, including: (1) cost; (2) technical and economic impact on the operation of the provider; (3) type of operation of the provider; and (4) the extent to which the provider offered services with varying degrees of functionality and features at differing price points.¹²

The Commission should adopt a “reasonably achievable” standard and similar, clear factors in connection with any provision of enhanced text-to-911 location information to technically capable PSAPs. Using a “reasonably achievable” standard will produce multiple benefits. Since this standard will operate in a similar manner as the CVAA’s “achievable” standard, the industry will already be familiar with its bounds. However, the Commission should not shy away from considering additional factors, such as the impact of end users’ device settings on a carrier’s ability to derive enhanced location information. Adopting a pre-defined set of factors as part of the standard will provide certainty and guidance while still allowing carriers flexibility to deploy the most effective solution for their network and customer needs.

Guiding factors that the Commission should utilize for this “reasonably achievable” standard will enable carriers to efficiently provide location information to PSAPs in a manner that properly accounts for widely varying network architectures and air interface technologies. At the same time, such a standard will protect smaller competitive carriers from being punished if they are foreclosed from obtaining the latest devices and technology, which the Commission

¹¹ 47 U.S.C. § 617(g).

¹² *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, CG Docket No. 10-213, FCC 13-57, Second Report and Order (rel. Apr. 29, 2013).

has conceded to be a problem in the past.¹³ As the Commission is well aware, access to cutting-edge equipment is a consistent problem for smaller carriers, and it should not make the mistake of adopting a location information standard for text-to-911 that sets small carriers up to fail.

Further, as discussed below, the Commission should be focused on future-proofing its standards in a technology-neutral manner. By adopting the “reasonably achievable” standard, the Commission will prevent carriers from constantly being required to continually update their solutions to meet an elusive and ever-changing “best available” standard.¹⁴

III. MANDATING NEW ENHANCED LOCATION INFORMATION STANDARDS IS PREMATURE, AND THE COMMISSION SHOULD FOCUS ITS EFFORTS AND ATTENTION ON PERMANENT, RATHER THAN INTERIM STANDARDS

Regardless of how the Commission proceeds to define “best available” (or CCA’s more clearly defined replacement, “reasonably achievable”), the Commission must not let unreasonable, artificial deadlines hinder the goals for this proceeding. While the Commission appears to acknowledge that precise location accuracy capabilities are not available at this time, a two-year implementation timeframe even for “best available” or “reasonably achievable” location accuracy information is wholly inadequate. Technologies available in the marketplace today face a variety of hurdles. Simply stated, the Commission has not yet identified an enhanced location solution that does not come with some degree of challenge.¹⁵ For example,

¹³ See e.g., *In the Matter of Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets et al.*, WT Docket No. 07-250, FCC 08-68, First Report and Order, ¶ 27 (“extend[ing] the compliance deadlines for service providers other than Tier I carriers in recognition of their more limited handset options and their difficulty obtaining the newest offerings.”).

¹⁴ Comments of CTIA at 11.

¹⁵ As an initial matter, T-Mobile “encourages the Commission to review proposals by technology vendors with a critical eye” with respect to current location information solutions for text-to-911, as its own research has found certain of these “solutions” wanting. Comments of T-Mobile USA, Inc. at 8.

the *Third FNPRM* acknowledges the Commission’s own Communications Security Reliability and Interoperability Council’s (“CSRIC”) observation that ““the availability to provide a [commercial location based services] platform can be limited or technically challenging.””¹⁶

Several commenters have raised similar concerns with using cLBS methods to provide enhanced location information.¹⁷ Moreover, as CCA noted in its reply comments on the Commission’s *Third Further Notice of Proposed Rulemaking* in the wireless indoor location accuracy proceeding, several of the other methods identified by the Commission for interim enhanced location information services are suboptimal.¹⁸

Rather than requiring carriers to adopt costly, flawed, stopgap measures while new standards are put into place, the Commission should instead allow the industry to develop a competitive ecosystem of text-to-911 enhanced location information service solutions that can serve carriers and customers well into the future. CCA is encouraged by the recent announcement from the four nationwide wireless providers, the Association of Public-Safety Communications Officials International (“APCO”) and NENA—The 9-1-1 Association (“NENA”) agreeing to a voluntary set of benchmarks for testing and eventually implementing wireless indoor location accuracy solutions, including the creation of a technology test bed for evaluation of potential solutions and the development of standards for enhanced location

¹⁶ *Third FNPRM* at ¶ 89 (citation omitted).

¹⁷ See Comments of Sprint at 7-8 (pointing out that handset-based solutions such as cLBS are “subject to human error”); Comments of T-Mobile USA, Inc. at 7-8.

¹⁸ See Comments of Competitive Carriers Association, *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114 at 5-6 (filed July 14, 2014) (reviewing limitations with both the U-TDOA and RF Pattern Matching proposed solutions); see also Comments of Sprint Corporation at 5-6 (noting implementation challenges to network-based solutions, including U-TDOA); Comments of T-Mobile USA, Inc. at 8-9 (reiterating T-Mobile’s concerns with TruePosition’s U-TDOA claims, which T-Mobile characterize as “simply untrue.”).

accuracy.¹⁹ Similar to the approach taken by this voluntary agreement, the FCC should not mandate new rules until a competitive number of available technologies exist that can satisfy any new requirement.

The Commission must allow carriers flexibility to implement enhanced location information solutions that are best suited to their networks, air interfaces, customer equipment and geography. Moreover, with mobile technology changing rapidly from a circuit-switched world into an IP-based world, the Commission should encourage carriers to adopt location information solutions that will carry them well into this new age. Indeed, CSRIC recently released its Enhanced Location for SMS Text Report recommending that the Commission refrain from mandates and “instead encourage further development and implementation of more robust . . . solutions.”²⁰ As the Commission acknowledged, CSRIC recommended that it refrain from wireless E911 Phase II-like mandates for SMS-to-911 service.²¹

CSRIC’s view is widely shared throughout the industry. For example, CTIA argues that “providing enhanced location information is best addressed through next generation technologies and services. CTIA urges the Commission to adhere to CSRIC’s recommendation and refrain from issuing enhanced location requirements for the legacy SMS service.”²² Likewise, Verizon recommends that “in lieu of imposing standards that would apply to legacy SMS networks, the Commission should focus on encouraging service providers to develop enhanced location

¹⁹ See Press Release, CTIA – The Wireless Association, Wireless Carriers & 9-1-1 Communications Leaders Answer the Call to Improve 9-1-1 Indoor Location Accuracy (Nov. 14, 2014).

²⁰ CSRIC IV WG1, *Investigation into Location Improvements for Interim SMS (Text) to 9-1-1*, Final Report (June 18, 2014) (“CSRIC Enhanced Location for SMS Text Report”).

²¹ *Id.*

²² Comments of CTIA at 11.

capabilities for text messaging through the deployment of LTE-based text-to-911 services.”²³

And, given the current marketplace realities, “T-Mobile continues to encourage the Commission to focus its primary efforts on the ways it can transition networks and consumers to next generation technologies, rather than on any mandates that require retrofitting legacy technologies or inefficient investment that is likely to be stranded.”²⁴

Even APCO, which conditionally supports the Commission’s proposed rules, notes that it does not support a two-year implementation timeframe for a “best available” solution if it would “divert significant resources that could be better spent on a more rapid deployment of dispatchable location technology for newer text services that will be widely used by the public long after SMS fades away.”²⁵ NENA, for its part, proposes a similar look towards the future, suggesting that “additional years should be afforded to providers who commit to proceed by upgrading to a newer, more location-aware text platform.”²⁶

Given the current state of available technologies, CSRIC’s recommendations and the broad industry consensus that attention should be focused on lasting solutions, the Commission should provide more than two years for implementing “reasonably achievable” solutions for enhanced location accuracy for text-to-911 services, and decline to adopt more onerous location information mandates until an active ecosystem of next generation solutions exists.

²³ Comments of Verizon and Verizon Wireless at 7.

²⁴ Comments of T-Mobile USA, Inc. at 9.

²⁵ Comments of APCO at 3.

²⁶ Comments of the National Emergency Number Association at 3.

IV. THE COMMISSION SHOULD PROCEED CAUTIOUSLY WITH TEXT-TO-911 ROAMING OBLIGATIONS

The *Third FNPRM* also “propose[s] to require covered text providers to support roaming for text-to-911 no later than two years from the effective date of the adoption of final roaming rules.”²⁷ But similar to the issues associated with an enhanced location information mandate, a mandate to provide roaming for text-to-911 within two years is problematic, as specific standards for implementing such a solution simply do not yet exist. Even the Commission acknowledges that “[c]urrent SMS text delivery protocols do not allow for location information to be included with SMS texts-to-911 while roaming”²⁸ and admits that “the record shows that roaming cannot be supported for text-to-911 at this time.”²⁹ Several commenters reaffirm these tenets.³⁰

Based on an absence of agreement on a standard or set of standards for implementing text-to-911 roaming capabilities, commenting parties have expressed concern with the Commission’s proposed deadline. For example, T-Mobile proffers that either the “hub-and-spoke” mechanism of interconnected TCCs or direct interconnections between carriers would take “at least 36-48 months” to deploy.³¹ The other nationwide providers agree that two years is all but impossible for adoption of a roaming requirement, regardless of the method for

²⁷ *Third FNPRM* at ¶ 109.

²⁸ *Id.* at ¶ 108.

²⁹ *Id.* at ¶ 109.

³⁰ See Comments of AT&T at 6 (“At present, no industry-wide agreement exists on how or even if this legacy text service could be retrofitted to allow roaming subscribers to text public safety while on a serving network.”); Comments of CTIA at 5 (“[R]outing texts to the appropriate PSAP while roaming may not be possible.”); Comments of T-Mobile USA, Inc. at 10 (“Carriers and others have provided detailed and specific information on the technical and economic hurdles associated with every aspect of implementing roaming for interim SMS-to-911 on the record.”) Comments of Verizon and Verizon Wireless at 5 (“The development effort associated with the SMS network [for roaming capabilities] would be significant.”).

³¹ Comments of T-Mobile USA, Inc. at 11.

implementation.³² As the attention of vendors and negotiations for interconnection agreements would undoubtedly be focused on the largest carriers in the first instance, smaller competitive providers would most assuredly need additional time beyond that contemplated by the nationwide providers.³³

CCA, however, continues to believe that “smaller carriers and the customers they serve will be particularly impacted by a prolonged absence of any out-of-network capability to text-to-911, potentially putting these smaller carriers at a competitive disadvantage,”³⁴ and joins AT&T in “support[ing] the investigation of possible roaming solutions for text-to-911.”³⁵ Should the Commission decide to move forward and adopt roaming rules, it should not set too aggressive of an implementation deadline or mandate unrealistic requirements. Rather, the guideposts for any Commission action should be efficiency, affordability and interoperability. As AT&T has argued, “any proposed solution [must avoid] significant modification to the underlying SMS architecture.”³⁶ CCA agrees, and as previously stated, the “hub-and-spoke” architecture would be an efficient way of facilitating roaming while minimizing costs.³⁷ This would be preferable to the alternative whereby text-to-911 would be handled by the sending carrier’s TCC, which, as Sprint has explained, “would require changes to standards, and an extremely complex set of

³² See Comments of AT&T at 6-7, Comments of Sprint Corporation at 12; Comments of Verizon and Verizon Wireless at 6-7.

³³ See Comments of Rural Wireless Association, Inc. at 3 (estimating that “it will be at least three years before implementation of [a potential roaming solution] could realistically be completed.”).

³⁴ *Third FNPRM* at ¶ 107 (citing Reply Comments of Competitive Carriers Association, *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, et al.*, PS Docket No. 11-153, *et al.* at 6 (filed May 5, 2014) (“CCA Second Further Notice Reply Comments”)).

³⁵ Comments of AT&T at 6.

³⁶ Comments of AT&T at 6.

³⁷ See CCA Second Further Notice Reply Comments at 6-7.

interactions would need to be addressed to facilitate this approach,” and, “[a]s a result there will be significant coordination and synchronization problems that would need to be resolved.”³⁸

CCA is also sensitive to T-Mobile’s concerns that providers not be locked into proprietary solutions, but rather that carriers “be permitted to choose, to the extent they may exist, the roaming method(s) that works best for their networks and subscribers.”³⁹

Finally, CCA shares ATIS’s concern that adopting near-term roaming requirements may “divert[] industry resources towards changes to legacy SMS- related systems and standards” and that “the industry [instead] should be encouraged to concentrate its resources on the continued deployment of new technologies, such as MMES, which enable new levels of access to emergency communications for consumers.”⁴⁰ Indeed, Motorola Mobility argues that “[r]equiring investment in what even the Commission emphasizes as an ‘interim solution’ would siphon funds that could be used to deploy NG911 networks and applications”⁴¹ and consequently could slow NG911 deployment. Of particular concern to CCA is the prospect that “[s]uch zero-sum game trade-offs would be magnified for small operators, which would be forced to implement stopgap measures used by a small fraction of [PSAPs].”⁴² The Commission should seriously consider this possibility when deciding whether to adopt a roaming mandate.

While a two-year implementation timeframe is not feasible, CCA believes that the Commission should remain committed to adopting rules requiring text-to-911 roaming capability, should the industry be able to agree to efficient, low-cost and interoperable solutions

³⁸ Comments of Sprint Corporation at 11.

³⁹ Comments of T-Mobile USA, Inc. at 12.

⁴⁰ Comments of the Alliance for Telecommunications Industry Solutions at 6.

⁴¹ Comments of Motorola Mobility at 4.

⁴² *Id.* at 4.

through standards-setting bodies and assuming these efforts are shown to not detrimentally impact the move to longer-term, next generation solutions. Ultimately, this will be critical to smaller competitive carriers, as the broad availability of text-to-911 capabilities for customers of the largest nationwide carriers may place smaller carriers at a significant competitive disadvantage – and, most importantly, may place their customers at greater risk in an emergency.

V. THE COSTS OF IMPLEMENTING ENHANCED LOCATION INFORMATION AND ROAMING FOR TEXT-TO-911 WILL BE SIGNIFICANT, AND DISPROPORTIONATELY IMPACTFUL ON SMALLER CARRIERS

The Commission also seeks comment on “the public safety benefits and improvements that [the] proposed enhanced location information and roaming requirements will provide, compared to the costs of meeting such requirements.”⁴³ In the view of CCA and its members, as well as other industry stakeholders, the costs would be substantial. In addition to the myriad technical issues discussed above, the cost of enabling the proposed enhanced location information and roaming solutions will be significant and will disproportionately impact smaller carriers.

To enable enhanced location services for text-to-911, carriers will be subjected to varying and currently-unknowable costs based on network architecture, the number of ultimately available solutions, and that carrier’s access to necessary equipment.⁴⁴ These costs include (1) network costs, such as hardware and software; (2) device acquisition costs and hardware or software upgrades; and (3) implementation costs, including labor, project administration,

⁴³ *Third FNPRM* at ¶ 117.

⁴⁴ In order to keep these substantial costs as low as possible, the Commission should “ensure that it does not adopt a mandate that requires carriers to resort to a single-sourced technology but instead ensures an open technological ecosystem, with interconnection and data interchange standards, that provides flexibility, reliability, efficiency, and choice for carriers as to whether to self-supply or contract for support in a competitive market,” as T-Mobile has argued in the context of text-to-911 roaming requirements. Comments of T-Mobile USA, Inc. at 12.

operational expenses and training.⁴⁵ These costs are difficult to predict,⁴⁶ but based on prior experiences with new technology, will be vast. It is also critically important for the Commission to recognize that these costs will be separate and apart from the costs borne in connection with implementing long-term NG911 solutions, and many carriers may not have the resources to pursue both in an expedient fashion. CCA agrees with T-Mobile that the Commission should not ignore the significant costs to carriers of implementing interim solutions for SMS-to-911, during a time when the need to migrate to NG911 is more pressing.⁴⁷

The implementation of a text-to-911 roaming solution faces similarly significant cost and implementation barriers. For example, Sprint notes that “in order to enable roaming support with enhanced location, every roaming agreement and roaming infrastructure would need to be upgraded to support delivery of enhanced location such as through the deployment of Open Mobile Alliance’s Roaming Location Protocol.”⁴⁸ Significantly, the costs of this mandate may not simply be monetary, but may be actually result in delayed NG911 deployment. Echoing the sentiments of Motorola Mobility cited above, Sprint further argues that “[r]equiring carriers to make modifications to support roaming for interim SMS-based text-to-911 will divert resources

⁴⁵ See e.g., Comments of the Alliance for Telecommunications Industry Solutions at 4 (recognizing that modifications of interim text-to-911 to address location-based services would require substantial develop work and associated costs, which would be separate from and in addition to developing and implementing long-term solutions); Comments of AT&T at 4 (arguing that SMS-to-911 “was and is intended to be an interim, best effort service” and that the Commission should refrain from imposing substantial charges, costs, and network impacts on this interim solution.”).

⁴⁶ See, e.g., Comments of AT&T at 7 (“absent a detailed plan and agreed-upon industry standards for actually provisioning any solutions, however, commenters cannot provide the Commission with meaningful cost estimates, much less ‘detailed information on all costs.’”) (citation omitted).

⁴⁷ Comments of T-Mobile USA, Inc. at 2.

⁴⁸ Comments of Sprint Corporation at 12.

from NG9-1-1 deployment and will ultimately be a stranded investment since the near to mid-term goal is for the industry to deploy NG9-1-1.”⁴⁹ Further, significant time and resources will need to be spent determining how solutions could even be put into service, as currently “no industry-wide agreement exists on how or even if this legacy text service could be retrofitted to allow roaming subscribers to text public safety while on a serving network.”⁵⁰

Lastly, these costs will disproportionately affect smaller carriers. As Sprint noted previously related to its commitment to implement a bounce-back message irrespective of cost recovery, simply because it agreed to do so, did not mean that the costs associated with sending those bounce-back messages are “reasonable.”⁵¹ Smaller carriers have limited resources to expend, and these resources must be put to use to provide competitive services to consumers. Adopting the Commission’s proposals may require smaller carriers to spend significant resources on uncertain targets.

Due to the technological uncertainty, the changing nature of wireless industry infrastructure, and the interim nature of the solutions that could even theoretically be adopted in the proposed two-year timeframe,⁵² the costs of implementing enhanced location information and roaming for text-to-911 are significant. The Commission should refrain from adopting any mandates that create such an outsized burden on providers.

⁴⁹ *Id.* at 10.

⁵⁰ Comments of AT&T at 6.

⁵¹ See Comments of Sprint Nextel Corporation, *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, et al.*, PS Docket No. 11-153, *et al.* at 7 (Jan. 29, 2013).

⁵² CCA reiterates its belief that two years is far too short of a timeframe in which to implement even interim solutions.

VI. THE COMMISSION SHOULD NOT DISCOURAGE VOLUNTARY INDUSTRY AGREEMENTS

The Commission has seen recent success by working with industry stakeholders to craft voluntary agreements, and text-to-911 has been no exception.⁵³ Accordingly, there is support in the record for voluntary industry commitments on the important issues at stake in this proceeding. Sprint,⁵⁴ CTIA,⁵⁵ NENA,⁵⁶ T-Mobile,⁵⁷ and Motorola Mobility,⁵⁸ among others, all support the negotiation of a voluntary agreement regarding text-to-911 enhanced location information and roaming, as opposed to Commission mandates.⁵⁹ As noted above, the four nationwide wireless providers recently negotiated a voluntary “industry consensus plan” with public safety stakeholders for testing and implementing indoor enhanced location solutions.⁶⁰

However, CCA agrees with commenters that voluntary efforts will be stifled if the Commission codifies these agreements or imposes onerous requirements that may not be able to

⁵³ Letter from Terry Hall, APCO International, Robert W. Quinn, Jr., AT&T, Barbara Jaeger, NENA – The 9-1-1 Association, Charles W. McKee, Sprint Nextel, Kathleen O’Brien Ham, T-Mobile USA and Kathleen Grillo, Verizon, to FCC Chairman Genachowski, Commissioner McDowell, Commissioner Clyburn, Commissioner Rosenworcel and Commissioner Pai, PS Docket Nos. 11-153 & 10-255 (Dec. 6, 2012), *available at* http://c.ymcdn.com/sites/www.nena.org/resource/resmgr/GovAffairs/121206_-_Voluntary_Commitmen.pdf.

⁵⁴ Comments of Sprint Corporation at 4.

⁵⁵ Comments of CTIA at 1.

⁵⁶ Comments of the National Emergency Number Association at 10.

⁵⁷ Comments of T-Mobile USA, Inc. at 3-4.

⁵⁸ Comments of Motorola Mobility at 4.

⁵⁹ The Commission must also use caution in adopting mandates on top of already-extant voluntary agreements, lest the industry become reticent about their benefits. As T-Mobile notes, “[i]n an environment in which industry is continually encouraged to collaborate with appropriate stakeholders to develop solutions to key issues, the path the Commission has chosen in regards to text-to-911—escalating beyond the stakeholder compromise—does little to encourage further voluntary agreements.” Comments of T-Mobile USA, Inc. at 4.

⁶⁰ *See supra* note 19.

be met. While voluntary agreements can be beneficial to those larger carriers that enter into them, CCA urges the Commission to be mindful of including smaller carrier voices in any such industry discussions. While voluntary agreements are preferable to regulation, they must work for the entire industry, not just those with the largest chair at the table. For example, the recent agreement between APCO, NENA and the four nationwide providers is premised on the deployment of technology over VoLTE platforms and distribution of VoLTE handsets with A-GNSS capability. Smaller carriers will likely not be able to meet the benchmarks agreed to in the consensus plan, however, because of the challenges they face in deploying LTE networks and their lack of access to iconic devices. Any voluntary agreement must therefore take into account the impact such an agreement may have on small carriers.

VII. THE COMMISSION MUST ADOPT AN EFFICIENT WAIVER PROCESS IN THE EVENT THAT ANY NEW TEXT-TO-911 MANDATES ARE IMPOSED

With the substantial uncertainty that surrounds the potential technical solutions for text-to-911 enhanced location information and roaming, it is certain that there will be providers who, due to unforeseen circumstances, cannot deploy such solutions within a mandated timeframe. While CCA hopes that any timeframe will not be unreasonably short, it urges the Commission to provide a safety valve for those carriers who are simply unable to deploy enhanced location text-to-911 services, through no fault of their own. CCA agrees with AT&T that providers who are unable to meet any of the enhanced text-to-911 deadlines “due to technical and non-technical considerations should be given a meaningful opportunity to seek a waiver.”⁶¹ The Commission should provide clarity regarding the standards and process for waivers, and act on waiver claims with expediency to ensure that providers are not left wondering about their compliance until the

⁶¹ Comments of AT&T at 4.

last minute. Such clarity would help ensure that the burdens fall fairly on all carriers, and do not disproportionately impact small carriers who may struggle with implementation timelines or access to devices or solutions.

VIII. CONCLUSION

Providing access to enhanced text-to-911 services is an important public safety goal. However, at the present time, multiple technical and implementation challenges exist with respect to enhanced location information and roaming for text-to-911, which should give the Commission serious pause about adopting rules prematurely. CCA urges the Commission to take a long-term view for these solutions, and wait until the ecosystem for these solutions is mature, and standards have been set, before opting to regulate.

Respectfully submitted,

/s/ Rebecca Murphy Thompson _____

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