November 17, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force; PS Docket No. 07-114, Wireless E911 Location Accuracy Requirements

Dear Ms. Dortch:

On November 13, 2014, Jodie Griffin, Senior Staff Attorney for Public Knowledge, and Edyael Casaperalta, Internet Rights Fellow for Public Knowledge and representing the Rural Broadband Policy Group, met with Louis Peraertz, Legal Advisor to Commissioner Clyburn.

Public Knowledge (PK) expressed its support for the Chairman's recent efforts beginning the process of establishing rules to ensure reliability and accountability in 911 service during the phone network's technology transitions.[1] The Commission has unanimously acknowledged certain "core statutory values" that must endure in our communications networks throughout and after technology transitions: public safety, ubiquitous and affordable access, competition, and consumer protection.[2] The Commission must now take steps to protect those values and create certainty for all stakeholders by pursuing rules that ensure no one will be left behind in the technology transitions and no carrier will be allowed to engage in "self-help" to the detriment of network users. Public Knowledge is glad to see the Commission's interest to revise a regulatory framework that requires delivery of accurate location information to PSAPs for wireless 911 calls placed from indoors.

911 Reliability for Consumers in the Technology Transitions

We are in the midst of several transitions in the phone network right now, and we need to make sure the transition will actually be a step forward for consumers.

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[1] *See* Tom Wheeler, *Technology Transitions: Consumers Matter Most*, FCC BLOG (Oct. 31, 2014), http://www.fcc.gov/blog/technology-transitions-consumers-matter-most.

[2] *See Technology Transitions*, GN Docket No. 13-5, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, *Connect America Fund*, WC Docket No. 10-90, *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, Order, Report and Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative at ¶¶ 1-4 (rel. Jan. 31, 2014).

Today, millions of Americans depend on their mobile phones to place emergency calls to 911. However, the Commission does not have location accuracy requirements for callers dialing from inside buildings. This is especially alarming for the deaf and hard of hearing community, children who may not know where they are located, victims of domestic abuse, and the elderly. More than one-third of households in the United States are wireless-only homes, including 47% of children and more than 50% of adults living in poverty.[3] Mobile phone adoption is also high among Hispanic adults, with more than half living in wireless-only homes, and among African American households. All of these communities are disproportionately vulnerable during emergencies if their calls cannot be quickly and automatically traced by 911 dispatchers. Additionally, any location accuracy solution that depends upon consumers upgrading their handsets will inevitably leave behind those who cannot afford to switch to the latest cell phones on the market.

We have already seen warning signs of what can go wrong if policymakers do not ensure we continue to preserve public safety and reliability during technology transitions. This past April, one vendor's software programming error led to a "sunny day" 911 outage that impacted seven states and blocked 6,600 calls to 911 over six hours.[4] The move to IP technologies has also exacerbated rural call completion problems.[5] When a person needs to make a 911 call, she needs a reliable network to make that call. In this sense, the enduring values that underlie the network are not silos. Principles like reliability and public safety reinforce each other, and the Commission should always view each piece of the technology transitions in the context of the broader network compact.

Public Knowledge urges the Commission to ensure accountability and reliability in 911 service and to adopt strong E911 location accuracy rules to ensure first responders can find those in need. Our nation's public safety system must ensure all people have equal access to emergency services, regardless of race, age, sex, income, location, or access to technology. New technologies should be a step forward for everyone and should not leave anyone behind.

Rural Concerns with 911 Reliability in Technology Transitions

Rural, Native, and low-income communities continue to experience a persistent gap in telecommunications services. Fixed broadband networks do not reach 14.5 million people living in rural areas and nearly a third of people living in Tribal lands.[6] Unavailability of service, the high cost of service, and unaffordable equipment keep wireless, broadband, and fiber service

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[3] Steven Blumberg and Julian Luke, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2013*, U.S Dep't of Health and Human Services, Centers for Disease Control and Prevention (rel. July 2014), http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf.

[4] *See April 2014 Multistate 911 Outage: Cause and Impact*, FCC Public Safety and Homeland Security Bureau (Oct. 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1017/DOC-330012A1.pdf.

[5] *See* Harold Feld, *If the Phone Doesn't Ring, It's Rural America*, THE DAILY YONDER (Mar. 28, 2013), http://www.dailyyonder.com/if-phone-doesnt-ring/2013/03/22/5733/.

[6] *Eight Broadband Progress Report*, Federal Communications Commission (2012).

from reaching many rural homes. This gap in telecommunications service availability limits the technology transition in rural areas.

Currently, landline service is the most accessible, affordable, and reliable communications technology in rural communities. And for some, it is the *only* choice available to them. The technology transitions are an opportunity to provide better communications services, including 911 access, to all Americans. The Commission, however, must ensure that the technology transitions do not leave rural communities worse off by depriving them of a tool they already have while transitioning them to a more expensive or less reliable service. Before allowing a provider to transition its customers to a new technology, the Commission must consider how transitioning to a wireless, fiber, or IP technology will affect the safety of rural and low-income communities that have long relied on 911 services provided over a copper network.

As we continue to move forward in the network transitions, consumers and other end-users are looking to the Commission to ensure the effectiveness of existing rules while carefully establishing rules to guide future transitions. PK and the Rural Broadband Policy Group urge the Commission to continue to ensure the network's core values, including public safety and reliability, will guide policy decisions throughout and after the transition.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

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