

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

In the Matter of	)	
	)	
Ensuring Customer Premises Equipment	)	PS Docket No. 14-174
Backup Power for Continuity of	)	
Communications	)	
	)	
Technology Transitions	)	GN Docket No. 13-5
	)	
Policies and Rules Governing Retirement of	)	RM-11358
Copper Loops by Incumbent Local Exchange	)	
Carriers	)	
	)	
Special Access for Price Cap Local Exchange	)	WC Docket No. 05-25
Carriers	)	
	)	
AT&T Corporation Petition for Rulemaking	)	RM-10593
to Reform Regulation of Incumbent Local	)	
Exchange Carrier Rates for Interstate Special	)	
Access Services	)	

**INITIAL COMMENTS OF TEXAS 9-1-1 ENTITIES**

The Texas 9-1-1 Alliance,<sup>1</sup> the Texas Commission on State Emergency Communications,<sup>2</sup> and the Municipal Emergency Communication Districts Association<sup>3</sup>

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<sup>1</sup> The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 25 Texas emergency communication districts with E9-1-1 service and related public safety responsibility for more than approximately 60% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code Section 771.001(3)(B).

<sup>2</sup> The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and by statute is the state program authority on emergency communications. CSEC oversees and administers the Texas state 9-1-1 program under which 9-1-1 service is provided in 214 of Texas’ 254 counties, covering approximately two-thirds of the geography and one-fourth of the state’s population.

<sup>3</sup> The Municipal Emergency Communication Districts Association (“MECDA”) is an association of 26 municipal emergency communication districts, as defined under Texas Health and Safety Code § 771.001(3)(A), that are located primarily in the Dallas-Fort Worth area.

(collectively, the “Texas 9-1-1 Entities”) respectfully submit the following comments in the Federal Communication Commission’s (the “Commission’s”) above-referenced proceedings, seeking to (i) ensure that fundamental values are not lost merely because of changes in technology, and (ii) strengthen the Commission’s public safety, pro-consumer and pro-competition policies and protections in a manner appropriate for the technology transitions that are underway and for the networks and services that emerge from those transitions.<sup>4</sup>

#### **I. Section 214 Discontinuances**

In the NPRM, the Commission focuses “on three key issues in the context of service discontinuances:

(1) ensuring that consumers receive adequate substitutes for discontinued services;

(2) further defining the scope of our section 214(a) authority, focusing in particular on the context of wholesale services; and

(3) ensuring competitive availability of wholesale inputs following discontinuance of incumbent LECs’ TDM services on which competitive LECs currently rely.”<sup>5</sup>

With regard to 9-1-1 service, the Commission explains, “[a]lthough our primary focus is on consumer products, we also seek comment on what criteria we should apply for carriers that seek under section 214 to discontinue 911 service to PSAPs.”<sup>6</sup> The Commission further seeks comment on “the relationship between consideration of PSAP and 911 service pursuant to

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<sup>4</sup> *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications et al.*, PS Docket No. 14-174 *et al.*, Notice of Proposed Rulemaking and Declaratory Ruling, FCC 14-185 (rel. Nov. 25, 2014) (“NPRM”) at ¶ 1-2.

<sup>5</sup> NPRM at ¶ 24.

<sup>6</sup> NPRM at ¶ 100.

section 214(a) and the *911 Policy Statement and Notice of Proposed Rulemaking also adopted today*<sup>7</sup> (“9-1-1 Governance NPRM”).<sup>8</sup>

To answer the Commission’s second 9-1-1 question first, it may be more reasonable to consider 9-1-1 required notices and involuntary 9-1-1 discontinuances separate from the issues implicated by the larger section 251 or section 214 proceedings, perhaps in the context of a more narrowly focused separate proceeding under the proposed rules in the 9-1-1 Governance NPRM. However, the Texas 9-1-1 Entities would note that the 9-1-1 Governance NPRM in proposed rule 12.5 seems to infer that such an approach is not contemplated, by providing in subsections (a) and (b), respectively, in relevant part:

*(a)(4) Changes subject to public notice under Section 251.* Changes in 911 network architecture or service that require public notice of network changes under 47 C.F.R. § 51.325 shall not require a separate notification under this section.

*(b)(4) Changes subject to Section 214 authorization.* Changes in 911 network architecture or service that require Commission authorization under Section 214 of the Communications Act and associated Commission rules shall not require separate Commission approval under this section.<sup>9</sup>

9-1-1 service is a critical emergency communications service. But 9-1-1 service is no less a consumer product than any other contracted for dedicated network service purchased by a business or government customer. Moreover, 9-1-1 service is unique in that it may further be an ancillary wholesale service for interconnection pursuant to section 251—where PSAPs or 9-1-1 authorities are currently voluntarily purchasing these consumer services from the service provider. In some cases, a 5ESS or DMS-100 legacy switch that provides TDM local-dial tone

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<sup>7</sup> *Id.*

<sup>8</sup> *911 Governance and Accountability; Improving 911 Reliability*, PS Docket Nos. 14-193 and 13-75, Policy Statement and Notice of Proposed Rulemaking, FCC 14-186 (rel. Nov. 21, 2014).

<sup>9</sup> *Id.*, pp. 39-40.

or that may serve as an access tandem is also equipped with a feature package or license that enables the 5ESS or DMS-100 legacy switch to function as legacy 9-1-1 selective router. Therefore, a discontinuance of local dial-tone functions, facilities, or switch may literally or effectively result in the discontinuance of the legacy 9-1-1 selective router, if that discontinuance is approved in a larger section 214 proceeding.

Discontinuance of legacy 9-1-1 selective routers in the not too distant future is inevitable, given the technology transitions that are underway. However, to the extent that a carrier has demonstrated appropriate criteria to the Commission to support discontinuance, it is still within the Commission's authority to balance the public interest and ensure that PSAPs and 9-1-1 authorities have a reasonable transition period after receiving appropriate notice, because section 214(c) expressly provides that the Commission "may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require."<sup>10</sup>

From a historical standpoint, the time it has taken to transition fully from a legacy 9-1-1 selective router to an alternative 9-1-1 selective router (including transition of wholesale interconnection points to other local interconnection points within the LATA) has often been material. In areas outside of Texas, unexpected regulatory proceeding delays have occurred. A longer period may also be needed because there may be potential new vendors, government procurement processes or contracting, budgeting issues, and changes to incorporate new IP technologies and systems. Under these potential circumstances, where requested by PSAPs or 9-1-1 authorities, it is reasonable for the Commission as a general rule to require that there will be an "available" minimum transition period of 18 to 24 months with an additional option for a 12-month extension before a legacy 9-1-1 selective router may be discontinued—unless the

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<sup>10</sup> 47 U.S.C. § 214(c).

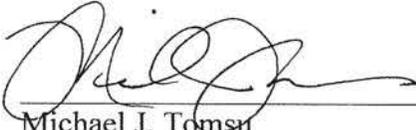
applicable PSAPs or 9-1-1 authorities specifically request or voluntarily agree in writing to a shorter minimum period. Depending on the specific facts and circumstances presented to the Commission by the interested parties with regard to a legacy 9-1-1 selective router discontinuance, it is possible that an extension beyond the time period in the general rule may be appropriate.

A reasonable minimum period for PSAPs or 9-1-1 authorities that need to transition in the case of an involuntary legacy 9-1-1 selective router discontinuance is fully consistent with the Commission's express authority under section 214. Moreover, it would responsibly strengthen the Commission's public safety, pro-consumer and pro-competition policies and protections in a manner appropriate for the technology transitions that are underway and for the networks and services that would emerge from those transitions. Accordingly, where requested by PSAPs or 9-1-1 authorities, the Commission must require as a general rule that there will be an "available" minimum transition period (with an additional option for an extension) before a legacy 9-1-1 selective router may be discontinued under section 214, unless the applicable PSAPs or 9-1-1 authorities specifically request or voluntarily agree in writing to a shorter minimum period.

## **II. Conclusion**

The Texas 9-1-1 Entities appreciate the opportunity to provide these initial comments on these important matters, and respectfully request that the Commission take action on these matters consistent with these initial comments.

Respectfully submitted,



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