

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

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| In the Matter of |) | |
| |) | |
| 911 Governance and Accountability |) | PS Docket No. 14-193 |
| |) | |
| Improving 911 Reliability |) | PS Docket No. 13-75 |

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) agrees with the Commission that the reliability of our nation’s 911 system is critical for consumers to be able to contact emergency services in a crisis. Although NCTA supports the Commission’s goal of ensuring the reliability of the 911 system through regulation of entities that directly connect to Public Safety Answering Points (PSAPs),¹ we agree with commenters that the Commission should not expand the definition of “covered 911 service providers” to include entities that do not directly serve PSAPs, and should not impose unclear or unnecessarily burdensome obligations on providers.² We also agree with commenters that the Commission should not

¹ *Improving 911 Reliability, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-75 and 11-60, Report and Order, 28 FCC Rcd 17476 (2013) (*911 Reliability Order*).

² *911 Governance and Accountability, Improving 911 Reliability*, PS Docket Nos. 14-193 and 13-75, Policy Statement and Notice of Proposed Rulemaking, 29 FCC Rcd 14208, 14225-26, 14229-32, ¶¶42, 50-59 (2014) (*911 NPRM*); *see, e.g.*, Comments of the Alliance for Telecommunications Industry Solutions, PS Docket Nos. 14-193 and 13-75, at 5 (Mar. 23, 2015) (ATIS Comments); Comments of AT&T, PS Docket Nos. 14-193 and 13-75, at 9-12 (Mar. 23, 2015) (AT&T Comments); Comments of Competitive Carriers Association, PS Docket Nos. 14-193 and 13-75, at 3-6 (Mar. 23, 2015) (CCA Comments); Comments of CTIA – The Wireless Association®, PS Docket Nos. 14-193 and 13-75, at 4-7 (Mar. 23, 2015) (CTIA Comments); Comments of Verizon, PS Docket Nos. 14-193 and 13-75, at 7-8, 10 (Mar. 23, 2015) (Verizon Comments).

establish “911 Network Operations Center (NOC) providers” to collect and disseminate 911 information from service providers.³

I. THE COMMISSION SHOULD NOT EXPAND THE DEFINITION OF A COVERED 911 SERVICE PROVIDER

In its recent *911 Reliability Order*, the Commission imposed rules on “covered 911 service providers,” which it defined as “any entity that provides 911, E911, or NG911 capabilities such as call routing, ALI [automatic location information], ANI [automatic number information], or the functional equivalent of those capabilities, directly to a PSAP, statewide default answering point, or appropriate local emergency authority, or that operates one or more central offices that directly serve a PSAP.”⁴ The Commission committed to review the rules in five years.⁵

Less than a year later, however, the Commission is proposing to expand the definition of a “covered 911 service provider” “to include all entities that provide 911, E911, or NG911 capabilities, such as call routing, [ALI], [ANI], location information servers (LIS), text-to-911, or the functional equivalent of those capabilities, regardless of whether they provide such capabilities under a direct contractual relationship with a PSAP or emergency authority.”⁶ We agree with commenters that this proposed definition is overly broad.⁷ As ATIS states, the Commission’s proposed definition “is far too expansive and must be appropriately focused to avoid imposing overly broad and unnecessary burdens on 911 stakeholders.”⁸ As AT&T states,

³ *911 NPRM*, 29 FCC Rcd at 14234-37, ¶¶66-75; AT&T Comments at 26-31; Comments of ITTA – The Voice of Mid-Size Communications Companies, PS Docket Nos. 14-193 and 13-75, at 5-7 (Mar. 23, 2015) (ITTA Comments); Verizon Comments at 5-6.

⁴ *911 Reliability Order*, 28 FCC Rcd at 17488-89, ¶36 (footnotes omitted).

⁵ *Id.* at 17533, ¶159.

⁶ *911 NPRM*, 29 FCC Rcd at 14225-26, ¶42.

⁷ ATIS Comments at 4-5; CTIA Comments at 5; Verizon Comments at 7.

⁸ ATIS Comments at 4-5.

“[t]he focus of this endeavor ought to be on those either in direct privity with the PSAP (e.g., the 911 system service provider) or those in indirect privity (e.g., the vendors and subcontractors – in privity with the 911 system service provider – that provide critical 911 databases to provide routing and location services). It is these providers that are in the best position to detect, mitigate, and resolve outages in the 911 ecosystem, as well as keep critical 911 stakeholders apprised of the status of networks and databases.”⁹

We also agree with commenters that additional rules should not be imposed on providers of text-to-911 services at this time.¹⁰ As CCA notes, “The text-to-911 regulations [adopted in August 2014] have only recently gone into effect, and there is still work to be completed (e.g., roaming standards) before text-to-911 is a fully functioning piece of the 911 ecosystem.”¹¹ AT&T further points out that “[t]he SMS texting service is a best-efforts, store-and-forward service that cannot be held to the reliability standards applicable to legacy voice services or to IP-based voice services, like interconnected Voice over IP (VoIP).”¹² Therefore the Commission should not impose additional 911 requirements on text-to-911 providers at this time.

The Commission also proposes to eliminate the specifically delineated 911 service requirements included in section 12.4(b) of its rules and instead to impose a general, open-ended requirement that covered 911 service providers provide “reliable 911 service.”¹³ The Commission also proposes requiring covered 911 service providers to notify the Commission of

⁹ AT&T Comments at 10.

¹⁰ AT&T Comments at 10-12; CCA Comments at 6.

¹¹ CCA Comments at 6, citing *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153, 10-255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9846 (2014).

¹² AT&T Comments at 11.

¹³ *911 NPRM*, 29 FCC Rcd at 14226, ¶44. Currently section 12.4(b) requires that covered 911 service providers “take reasonable measures to provide reliable 911 service *with respect to circuit diversity, central-office backup power, and diverse network monitoring.*” 47 C.F.R. § 12.4(b) (emphasis added).

major changes in “network architecture or scope of 911 services,”¹⁴ and to provide certifications when providers “seek to offer new services that affect 911 call completion.”¹⁵ These proposed rule changes are impermissibly vague and do not provide entities with sufficient guidance as to what is required or what actions or offerings may trigger notification or certification obligations. As the Alaska Rural Coalition points out, “[i]t is unclear what the new services referenced by the Commission might include or how they may affect 911 call completion.”¹⁶ It is also not clear that IP-based services and app providers would be able to conduct the type of “reliability and security risk analysis” to which they would be required to certify.¹⁷ Furthermore, this type of regulation can deter innovation. As iCERT states, “New entrants possessing new and innovative technologies will likely think twice about getting into a line of business that carries with it this kind of regulatory oversight; and entities that are already in the market will necessarily reconsider investments in innovative new technologies (or even consider leaving the market) if it means increased regulatory costs, impediments and delays.”¹⁸

We agree with commenters that these proposals are premature.¹⁹ As commenters note, the 2013 rules have been implemented very recently and the Commission should assess their effectiveness before imposing additional requirements and expanding the new rules to entities without direct connections to PSAPs.²⁰ We also agree with commenters that the Commission should work with the Communications Security, Reliability, and Interoperability Council

¹⁴ *Id.* at 14229, ¶50.

¹⁵ *Id.* at 14231-32, ¶59.

¹⁶ Comments of the Alaska Rural Coalition, PS Docket Nos. 14-193 and 13-75, at 6 (Mar. 23, 2015).

¹⁷ *911 NPRM*, 29 FCC Rcd at 14231-32, ¶59 and n.123.

¹⁸ Letter from George Rice, Executive Director, Industry Council for Emergency Response Technologies (iCERT), to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 14-193 and 13-75, at 2 (Mar. 23, 2015).

¹⁹ ATIS Comments at 5; CTIA Comments at 5-6; Verizon Comments at 1-2.

²⁰ ATIS Comments at 5; CTIA Comments at 5-6; Verizon Comments at 7.

(CSRIC) or another joint government and industry forum to adopt best practices before imposing additional 911 rules on providers.²¹

II. THE COMMISSION SHOULD NOT ESTABLISH “911 NOC PROVIDERS”

The Commission proposes to establish a subset of “covered 911 service providers” to act as a “clearinghouse mechanism” for information during outages and degradation of 911 service.²² According to the Commission, these “911 NOC Providers”:

would be responsible for monitoring their networks to detect disruptions or degradations in 911 service, and for affirmatively communicating relevant information, as appropriate, to other stakeholders, including OSPs [originating service providers], SSPs [system service providers], vendors, PSAPs, state emergency management offices, and the Commission's Operations Center. As a corollary to this proposal, 911 NOC providers would be empowered to obtain relevant information concerning outages from other covered 911 service providers, who in turn would be required to provide information in response to the 911 NOC provider's requests. 911 NOC providers would then coordinate with other stakeholders to collect and distribute information regarding the impact of outages on all affected portions of the network from call origination to completion.²³

Under the Commission’s proposal, the 911 NOC provider would be the entity responsible for transporting 911 traffic to the PSAP in each jurisdiction, and this would usually be an incumbent local exchange carrier.²⁴

The Commission should abandon this proposal. This requirement would create more confusion and problems than it seeks to solve. For example, as providers investigate the cause and status of an outage, information may change as the investigation progresses. Providers, the 911 NOC providers, and the Commission could therefore be thrust into a cycle of constant updating, which creates the potential for inconsistent and incorrect reports. This situation is compounded by the fact that providers and the 911 NOC providers would still be responsible for

²¹ AT&T Comments at 8-9; CTIA Comments at 6; ITTA Comments at 2-3; Verizon Comments at 7.

²² *911 NPRM*, 29 FCC Rcd at 14234, ¶66.

²³ *Id.*

²⁴ *Id.* at 14234, ¶67.

submitting information directly to the Commission through the Network Outage Reporting System (NORS), and this information might conflict with that of the 911 NOC provider. Rather than focusing on compliance with reporting information that could be stale soon after it is provided, providers and the 911 NOC providers should focus their efforts on remedying and preventing outages.

As proposed, in many instances the 911 NOC provider would be a competitor to many of the entities that would be required to provide it with data. As commenters note, the Commission would be requiring some providers to give competitively sensitive information regarding service disruptions and network operations to an entity that is likely to be a business competitor of the provider.²⁵ In addition, the 911 NOC provider would be reporting other providers' network performance information to the agency tasked with regulating those entities. Providers could not ensure that the information was relayed accurately to the Commission. Furthermore, the Commission's 911 NOC provider proposal raises privacy concerns. It is not clear how any customer proprietary network information (CPNI) or other personal information related to a 911 service disruption would be protected through this clearinghouse process.

Although the proposal is complex enough when there is one entity designated to serve as the 911 NOC provider in a given location, the Commission does not address the fact that in some areas of the country multiple providers are directly connected to the PSAP. There is no single entity responsible for the transport of 911 traffic in these areas. The Commission does not address how the 911 NOC provider function would be assigned in these areas.

Furthermore, the proposal is unreasonably vague. Rather than being limited to service outages, providers would be required to report to the 911 NOC provider "other situations . . . that

²⁵ AT&T Comments at 30; Comments of Sprint Corporation, PS Docket Nos. 14-193 and 13-75, at 5 (Mar. 23, 2015); Verizon Comments at 5.

may impact service quality without causing a complete loss of connectivity.”²⁶ Reasonable service providers are likely to disagree as to whether a certain situation rises to the level of a reportable service disruption, leading to potential enforcement liability for providers.²⁷

Therefore the Commission should not create a 911 NOC provider reporting requirement.

CONCLUSION

As discussed above, the Commission should examine the effect of its recently enacted 911 rules and work with CSRIC or other government-industry groups to develop best practices before imposing additional obligations on providers.

Respectfully submitted,

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²⁶ *911 NPRM*, 29 FCC Rcd at 14234, ¶66, n.131.

²⁷ ATIS Comments at 8; AT&T Comments at 28-29; Verizon Comments at 6.