

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

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

**REPLY COMMENTS OF VERIZON**

The comments show widespread concern with nearly every aspect of the *Notice of Proposed Rulemaking* (“*NPRM*”). Commenters raised objections to expanding the scope of the rules to govern additional service provider practices and activities beyond the current rules. They also explained problems with extending the rules to originating service providers and customer premises equipment. Many commenters emphasized that the Commission lacks statutory authority to adopt the proposed rules. Commenters do agree, however, that the CSRIC V and ongoing Task Force on Optimal PSAP Architecture are the better fora to address the concerns expressed in the *NPRM*. Most stakeholders are interested in a collaborative and straightforward approach to addressing 911 network reliability. The unnecessarily complex and costly federal regulatory regime proposed in the *NPRM* will not achieve that goal.

**I. CSRIC RECOMMENDATIONS FOR BEST PRACTICES WILL BE MORE EFFECTIVE THAN THE PROPOSED RULES.**

A wide cross section of commenters, including public safety and industry stakeholders, supports a significant role for CSRIC V recommendations and other collaborative initiatives.<sup>1</sup>

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<sup>1</sup> See, e.g., Verizon Comments at 10; Airbus Comments at 9-11; AT&T Comments at 8-12, 22-23; CCA Comments at 6-7; CTIA Comments at 5-6; Fairfax County Comments at 4; ITTA

Establishing best practices and standards to govern and improve reliability and resiliency in NG911 systems are appropriate first steps irrespective of whether the Commission ultimately adopts new rules. The Commission should focus its near term efforts on support for these initiatives, and consider the work product of such initiatives before determining whether to adopt new requirements.

Collaborative efforts are also the appropriate first step given (1) the uncertainty in the record as to how covered service providers would demonstrate compliance with the expansive proposed rules and (2) the lack of agreement among different stakeholder groups and public safety experts concerning critical aspects of the *NPRM*. The record shows a marked lack of consensus with respect to a number of issues, including:

- The service providers that should be the focus of any new standards: some commenters would limit them to a PSAP's prime contractor,<sup>2</sup> while others would apply standards to an ambiguous assortment of subcontractors and originating service providers;<sup>3</sup>
- The services, equipment and other elements of the 911 ecosystem to which those standards should apply: commenters disagree on applying new standards to PSAP

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Comments at 2-5; Motorola Solutions Comments at 3, 10-11; Sprint Comments at 5; TIA Comments at 4-5; USTelecom Comments at 3-4; TCS Comments at 4; *see also* APCO Comments at 4-5 (suggesting ATIS rather than CSRIC); NENA et al. Ex Parte Letter (Mar. 19, 2015) (“industry and public safety standards bodies, along with the [CSRIC] could play vital roles in ensuring the reliability of 9-1-1 service through the development of voluntary consensus standards and best practices ....”).

<sup>2</sup> *See, e.g.*, Verizon Comments at 7-8; ATIS Comments at 4-5; APCO Comments at 4; CCA Comments at 3-4; Intrado Comments at 20; Motorola Comments at 8; NASNA Comments at 2; *see also* AT&T Comments at 10 (focus should be on those in direct or indirect privity “with the PSAP”).

<sup>3</sup> *See, e.g.*, California PUC Comments at 3-4, 7; CenturyLink Comments at 4-6; Fairfax County Comments at 13-14.

customer premises equipment;<sup>4</sup> others focus on transport networks;<sup>5</sup> and others would include 911 functions of originating service providers;<sup>6</sup>

- The feasibility of the proposed rules, particularly the proposed new 911 network monitoring function: some commenters envision an expansive role for the entity providing such a function, beyond even what the *NPRM* proposes;<sup>7</sup> others oppose the proposal as unnecessarily complex and intrusive;<sup>8</sup> and
- How or whether those standards should apply in an NG911 environment: some commenters would apply the new standards across all platforms; others question whether traditional concepts of reliability can readily carry forward to IP-enabled services and originating service provider networks.<sup>9</sup>

The *NPRM*'s proposals to address these issues raise complex technical and countervailing policy considerations best left to public safety experts at the state and local level. For example, investment in extensive new monitoring systems to meet the proposed rules for existing technologies would deplete PSAP budgets. Such investment could divert funds that PSAPs may believe would be better spent for reliability purposes by migrating to IP-enabled platforms. These choices should be resolved by public safety and industry subject matter experts with experience in deploying and administering 911 networks and PSAPs. These experts appreciate

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<sup>4</sup> See Verizon Comments at 2-4 (opposing regulation of CPE); Airbus Comments at 10 (“support[ing] guideline best practices” for equipment); Motorola Solutions Comments at 8 (same).

<sup>5</sup> See Alaska Rural Coalition Comments at 4; California PUC Comments at 2; NENA Comments at 8-9.

<sup>6</sup> See California PUC Comments at 3-4, 7; Fairfax County Comments at 13-14.

<sup>7</sup> See Airbus Comments at 8-10, 12-15; Assure911.net Comments at 2-7; Alaska Communications Systems Comments at 9-10.

<sup>8</sup> See Verizon Comments at 5-6; Alaska Rural Coalition Comments at 7-8; APCO Comments at 5-6; AT&T Comments at 26-31; CenturyLink Comments at 13-18; CCA Comments at 7-9; ITTA Comments at 5-7; Motorola Solutions Comments at 7; NASNA Comments at 2-3; Sprint Comments at 5-6; *see also* CTIA Comments at 12 n.30.

<sup>9</sup> See, e.g., Verizon Comments at 11-12; AT&T Comments at 10-12 (rules should not apply to text-to-911 service); CenturyLink Comments at 10 (supporting load-balancing standards for *IP-enabled* architecture).

different state and local government resources and policies and different service provider networks and capabilities. As a result, they can balance those considerations more effectively than the prescriptive regulations proposed in the *NPRM*.

Finally, the recommendations and best practices resulting from efforts like the CSRIC V will likely obviate the need for many new regulations. And even if the Commission were to proceed with new requirements at some point in the future, those collaborative efforts can help ensure that the *NPRM*'s reliability objectives are met in a technically feasible and targeted manner.

## **II. THE PROPOSED RULES WILL DETER EARLY ADOPTERS OF NG911 TECHNOLOGY.**

The expansive and uncertain nature of the proposed rules will discourage innovative new entrants from entering the market and prevent state and local governments from being “early adopters” of new NG911 technology. Industry commenters echo Verizon’s concerns that the proposed rules, particularly the *NPRM*'s proposed 911 entry and exit rules, would deter innovation in NG911 technologies.<sup>10</sup> Motorola Solutions explains that the proposed rules could raise public safety concerns if needed service changes are delayed pending Commission notice and approval. The *NPRM* also raises competitive issues, as product and service providers may be required to publicly reveal information about service offerings that might otherwise be held close.<sup>11</sup> Similarly, Intrado notes that the proposed rules could cause substantial additional steps

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<sup>10</sup> See Verizon Comments at 2-4; AT&T Comments at 13-19; CenturyLink Comments at 21-25; Motorola Solutions Comments at 4 (“onerous new regulatory obligations could discourage entities from experimenting with new business models or lines of service due to uncertainty about their regulatory status.”); iCERT Comments at 3-4; Intrado Comments at 47-49; see also CCA Comments at 11-12; ITTA Comments at 8.

<sup>11</sup> See Motorola Solutions Comments at 4, 6-7.

to be introduced in the product development lifecycle. Those steps will delay delivery of new services and negatively impact innovation.<sup>12</sup>

### **III. A PSAP'S DIRECT 911 CONTRACTOR SHOULD BE A SINGLE POINT OF ACCOUNTABILITY.**

Public safety and industry commenters urge the Commission to focus on companies offering services directly to the state or local government entity charged with 911 service responsibilities.<sup>13</sup> The Commission and other policymakers should hold the entity or entities with the direct PSAP contractual relationship responsible for regulatory compliance. Doing so would prompt the company providing the service to the PSAP to take a comprehensive approach to ensure that 911 reliability duties are met. Faced with such a responsibility, those 911 service providers would have strong incentives to address 911 reliability through contractual and other safeguards with their vendors and subcontractors. Thus, the Commission would meet its objective of accountability without having to micromanage contractual relationships.

There is also no need to expand rules to originating service providers. Those entities already invest in their networks to reliably deliver calls to the 911 networks to comply with current outage reporting and 911 service rules and to compete in the wireless market. Commenters arguing otherwise do not offer any examples related to originating service providers demonstrating that current rules are insufficient.<sup>14</sup>

Commenters also confirm that expanding the rules beyond their current scope is premature. NG911 deployments are beginning in many states across the country, including

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<sup>12</sup> See Intrado Comments at 47-49.

<sup>13</sup> See Verizon Comments at 13-14; APCO Comments at 4; AT&T Comments at 7-8; NASNA Comments at 2.

<sup>14</sup> See California PUC Comments at 4; NENA Comments at 5; King County Comments at 3.

Massachusetts, Alabama, and other jurisdictions. The Commission's and stakeholders' experience implementing these technologies under the current rules will indicate whether further refinements of those rules are necessary. Like Verizon, several parties note that 911 service providers' first certifications under the *911 Reliability Order* are due to the Commission this October, and new requirements establishing minimum standards for communications between those providers and PSAPs only became effective at the end of last year.<sup>15</sup> The Commission should allow time for public safety and industry stakeholders, as well as Commissions staff, to learn from those efforts before adopting yet additional new prescriptive regulations.

#### **IV. PSAPS AND TAXPAYERS WILL BEAR THE COSTS OF THE NEW CERTIFICATION REGIME.**

The *NPRM*'s proposed annual certification requirements will impose additional costs that will ultimately be borne by PSAPs and taxpayers. Verizon and several other commenters describe the burdens and the regulatory uncertainty that the proposed rules would impose on 911 service providers.<sup>16</sup> For example, the extensive multi-network monitoring and alarm capabilities will impose additional performance requirements with costs beyond those already mandated under the *911 Reliability Order*. The additional costs required to comply with the proposed rules would fall to PSAPs paying for 911 services and the taxpayers that support them. In addition, without standards or best practices for guidance, the *NPRM*'s proposal to expand the annual certification to cover load balancing, geographic distribution and database management leaves stakeholders uncertain about what facilities, capabilities and features must be purchased to make

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<sup>15</sup> See Verizon Comments at 7; AT&T Comments at 5-7; CenturyLink Comments at 6-7; ITTA Comments at 3-5; USTelecom Comments at 2-3; see also NTCA Comments at 6-7.

<sup>16</sup> See Verizon Comments at 7; Alaska Rural Coalition Comments at 4-7; AT&T Comments at 5-7, 23-25; ATIS Comments at 5-7; CenturyLink Comments at 6-9; Intrado Comments at 22-24; NTCA Comments at 2-5.

the requisite certification. That uncertainty could stop PSAPs from investing in NG911 since neither they nor their service providers will understand the type or extent of new capabilities and facilities needed to meet the new rules. Deferring to CSRIC-recommended standards and best practices will mitigate these costs and uncertainties.

Consumers will also bear increased costs without experiencing any real benefits in terms of 911 service reliability if the proposed rules are imposed on originating service providers. Several parties underscore the costs and difficulties of applying the rules to originating service providers and other parties in the 911 ecosystem.<sup>17</sup> Yet public safety commenters do not point to outages or other incidents involving an originating service provider's network where the proposed rules would have prevented or mitigated the impact on 911 calls. In fact, wireless service providers and PSAPs have well over a decade's worth of experience working together under the current rules to deliver 911 calls reliably, and a history of cooperation and troubleshooting collaboration when issues arise. There is no evidence that the additional burdens proposed in the rules for originating service providers would meaningfully contribute to consumers' interests in reliable 911 services.

## **V. THE PROPOSED RULES WOULD EXCEED THE COMMISSION'S STATUTORY AUTHORITY.**

Several public safety and state government commenters echo Verizon's concern that the rules proposed in the *NPRM* could overstep the Commission's statutory authority.<sup>18</sup> Uncertainty over the Commission's authority in this area, and the related risk of a duplicative regulatory

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<sup>17</sup> See Verizon Comments at 7-9; AT&T Comments at 9-10; Alaska Rural Coalition Comments at 4-5; CCA Comments at 3-6; CTIA Comments at 5; T-Mobile Comments at 3-7; TCS Comments at 10-11.

<sup>18</sup> See APCO Comments at 2-6; Boulder Comments at 27-30; Virginia SCC Comments at 4.

scheme, prompted vendor commenters to underscore how the proposed rules risk undermining deployment of NG911 systems and new innovative 911 products.<sup>19</sup> Several public safety commenters opposed Commission involvement in matters traditionally left to state and local government procurement and regulatory authority.<sup>20</sup> Even those public safety commenters generally supportive of the *NPRM* raise issues concerning the scope of the proposed rules.<sup>21</sup>

Verizon and other commenters also point out that the *NPRM* does not establish a statutory basis for the proposed rules, either directly through the express grants of authority under the Communications Act, or through ancillary Title I authority.<sup>22</sup> No commenters supportive of the proposed rules offer any arguments beyond the Commission's conclusory assertions of its statutory authority provided in the *NPRM*. Rather, they gloss over the issue and generally urge the Commission to ensure that it does not preempt state authority in the area. Such an approach would amount to regulation for regulation's sake, without regard to whether the *NPRM*'s proposed requirements would unnecessarily pile on to the existing patchwork of state and local policies with a new over-arching federal regulatory regime. These concerns are yet additional reasons for the Commission to first support consensus-based efforts to develop best practices and standards that do not exceed the boundaries of its statutory authority.

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<sup>19</sup> See Intrado Comments at 13-16; Motorola Comments at 7; TCS Comments at 8-9; see also iCERT Comments at 2.

<sup>20</sup> See Boulder Comments at 28-36; APCO Comments at 2-3, 5; Virginia SCC Comments at 4.

<sup>21</sup> See California PUC Comments at 9; King County Comments at 2; NASNA Comments at 1; Washington UTC Comments at 2-4.

<sup>22</sup> See AT&T Comments at 5, 32-35; iCERT Comments at 5-7; Motorola Comments at 4-6; Verizon Comments at 14-16; USTelecom Comments at 4-6; see also ITTA Comments at 7-8.

## CONCLUSION

For the foregoing reasons and those stated in Verizon's comments, the Commission should support efforts the CSRIC V and other collaborative stakeholder bodies to establish best practices and standards to address the concerns raised in the *NPRM*. Doing so will help mitigate the resulting burdens on taxpayers, consumers and service providers, ensure that 911 reliability policies are technically feasible and appropriately targeted, and enable the Commission to act within the scope of its statutory authority in this area.

Respectfully submitted,

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