

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**REPLY COMMENTS OF BANDWIDTH.COM, INC.**

Michael P. Donahue  
Marashlian & Donahue, LLC  
1420 Spring Hill Road, Suite 401  
McLean, VA 22102  
(703) 714-1319  
[mpd@commlawgroup.com](mailto:mpd@commlawgroup.com)

Greg Rogers  
Deputy General Counsel  
Bandwidth.com, Inc.  
900 Main Campus Drive, Suite 500  
Raleigh, NC 27606  
(919) 439-5399  
[grogers@bandwidth.com](mailto:grogers@bandwidth.com)

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**I. INTRODUCTION/ SUMMARY**

Bandwidth.com, Inc. (“Bandwidth”) supports the Commission’s efforts to confront the myriad issues in the emergency calling arena as articulated in the *911 Governance Policy Statement and NPRM*.<sup>1</sup> The “hybrid” nature of today’s emergency service network technologies demands a fresh look to ensure the continued viability and reliability of this critical component of communications in our society.<sup>2</sup> As such, Bandwidth appreciates the objectives of the Commission’s proposal to expand the current definition of “covered 911 service provider”<sup>3</sup> as an acknowledgement of the multiple layers of services and service providers increasingly included in 911 services together with its efforts to achieve improved transparency and reliability through a host of new regulations.

Yet, Bandwidth remains concerned about the likelihood of the effectiveness of the regulations as proposed. In reforming the current rules, Bandwidth urges the Commission to ensure that critical strengths within the current 911 services environment are preserved, and only then make targeted improvements that will not threaten to disrupt the ecosystem to the detriment of end-users. As others have highlighted in opening comments, rapid introduction of an overly broad array of onerous regulations is likely to create confusion.<sup>4</sup> Rather, Bandwidth believes that

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<sup>1</sup> See generally *In the Matters of 911 Governance and Accountability, Improving 911 Reliability, PS Docket Nos. 14-193, 13-75*, Policy Statement and Notice of Proposed Rulemaking, FCC 14-186 (rel. Nov. 21, 2014) (hereinafter “*911 Governance Policy Statement and NPRM*”).

<sup>2</sup> *Id.* at ¶ 13.

<sup>3</sup> See *id.* at ¶ 27 (citing 47 C.F.R. § 12.4(a)(4)).

<sup>4</sup> See, e.g., Comments of NTCA – The Rural Broadband Association, PS Docket Nos. 14-193, 13-75, at 6 (March 18, 2015) (“It is still not clear where the reliability requirements apply within an

advancing key narrowly tailored and consensus-based objectives will yield more robust results sooner.

Therefore, Bandwidth supports those comments suggesting that the Commission's Communications, Security, Reliability, and Interoperability Council ("CSRIC") is best positioned to develop well-reasoned, consensus-based industry best practices that can be adopted by "covered 911 service providers" of many sorts. At present, the Opening Comments demonstrate there is a lack of readily understood "best practices". Thus, before embarking on a vast expansion of the regulatory compliance obligations for all stakeholders, it makes sense to first establish clear objectives and reasonable procedures for achieving them within well-organized structures. Pursuing solutions in a collaborative manner will bolster transparency and the efficient implementation of targeted improvements to the greatest public good.

## **II. OPENING COMMENTS SUGGEST THAT THE BROAD DEFINITION OF "COVERED 911 SERVICES PROVIDER" AS THE FUNDAMENTAL BASIS FOR WIDE RANGING RULES OF COMPLIANCE WOULD BE CONFUSING AND COUNTERPRODUCTIVE**

A scattershot approach to emergency service management is not likely to be as effective as concise rules aimed at achieving specific outcomes. At the outset, many commenters find the Commission's proposed expansion of the "covered 911 services provider" definition<sup>5</sup> confusing. Confusion on such a fundamental component of the overall proposals would likely lead to numerous related issues that could disrupt or delay critical services, including: (1) misunderstanding the distribution of accountability throughout the system; and (2) confusion as to the scope of definition. Further, expanding the definition of "covered 911 service providers" while introducing a vast set of

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operator's network, and which participant in the 911 ecosystem is liable for installing, maintaining, and monitoring new facilities or equipment"); Comments of Industry Council for Emergency Response Technologies ("iCERT"), PS Docket Nos. 14-193, 13-75, at 3 (March 23, 2015) (stating that the duplicative processes associated with 911 NOC Providers "is likely to create increased complexity and confusion, a result that would impede and not aid situational awareness"); Comments of Verizon, PS Docket Nos. 14-193, 13-75, at 2 (March 23, 2015) ("By imposing vague, expansive regulatory regime, the proposed rules would undermine the Commission's stated objective of improving accountability . . . [and] would also create regulatory uncertainty for new market entrants and existing service providers . . .").

<sup>5</sup> *911 Governance Policy Statement and NPRM* at ¶ 42.

new compliance obligations at the very same time may prove to be counterproductive for stakeholders.

#### **A. The Proposed Definition Creates Accountability Issues**

Problems with accountability are highlighted in the comments of the National Association of State 911 Administrators (“NASNA”) and AT&T who, among others, take issue with the lack of clarity regarding the roles and responsibilities of the new entities included in the “covered 911 service provider” definition.

NASNA discusses its concerns with the proposed broadening of the “covered 911 service provider” definition to include all providers “*regardless of whether they provide such capabilities under a direct contractual relationship with a PSAP or an emergency authority.*”<sup>6</sup> Instead, NASNA believes that the “prime contractor for 911 and NG911 services” should be held accountable for the quality of 911 services on behalf of itself and its “agents and sub-contractors.”<sup>7</sup> Thus, NASNA believes that focusing accountability on the prime contractor would ensure a more efficient delegation of responsibility and risk management throughout the 911 system.

NASNA also points out that “the Commission’s proposed rule would assign the role of 911 Network Operations Center (“911 NOC”) to the entity responsible for the transport of 911 traffic to the PSAP or PSAPs serving that jurisdiction.”<sup>8</sup> NASNA notes that if the 911 NOC provider is also the prime contractor for 911 services, then the expansion of 911 NOC provider responsibilities in this way would not be problematic.<sup>9</sup> However, NASNA states that the new “covered 911 service provider” term could create overlapping accountability issues because more than one 911 NOC provider could be monitoring the system simultaneously.<sup>10</sup>

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<sup>6</sup> Comments of National Association of State 911 Administrators (“NASNA”), PS Docket Nos. 14-193, 13-75, at 2 (March 24, 2015) (emphasis added).

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

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *Id.* at 2.

Bandwidth shares NASNA's concerns. Broadening the scope of the "covered 911 service provider" definition to include not only the prime contactors, but their agents and subcontractors, is likely to create confusion concerning accountability and compliance within the system. Accountability concerns are echoed by AT&T, who asserts that the term should not extend to entities "that merely originate 911 calls,"<sup>11</sup> but departs from NASNA's position by stating that entities "either in direct privity . . . or indirect privity"<sup>12</sup> with the PSAP should be included in the "covered 911 service provider" definition.

The contrast between AT&T's and NASNA's comments demonstrates potential confusion concerning the interpretation of the Commission's proposed definition of "covered 911 service provider." If there is confusion of this key touchstone component of the proposals, there are likely to be issues with how diverse providers then actually operate within the system itself. As Verizon states in its comments, lack of clarity on this point could: (1) deter market entry and innovation; and (2) prevent federal and state authorities from holding the proper entity responsible for maintaining and improving the reliability of 911 networks.<sup>13</sup> Thus, Bandwidth strongly encourages the Commission to address comments expressing confusion and concern with the proposed definition of "covered 911 service provider" at the outset.

#### **B. The New Definition of "Covered Provider" May Lead to Counterproductive Results**

Separate from expressed concerns with interpreting "cover providers" accurately, Bandwidth concurs with comments that suggest the Commission's the very broad definition for "covered 911 service provider" may not ultimately further the Commission's core principles in practice.<sup>14</sup> Instead, the proposed definition could well result in substantial regulatory burdens without a corresponding benefit to the public at large.

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<sup>11</sup> Comments of AT&T Services, Inc., PS Docket Nos. 14-193, 13-75, at 9 (March 23, 2015).

<sup>12</sup> *Id.* at 10. *See also*, iCERT at 2 ("Many of these new Covered 911 Service Providers have no direct contractual or tariff relationship with the PSAP today.").

<sup>13</sup> Verizon at 13-14.

<sup>14</sup> *See 911 Governance Policy Statement and NPRM* at ¶ 4.

iCERT points out that “wireless and VoIP providers [and their subcontractors] . . . that utilize an MPC or VPC, respectively, to process and route 911 calls would be swept into the category of Covered 911 Service Provider.”<sup>15</sup> iCERT is concerned that broadening the “911 covered service provider” term to include these entities would discourage new market entry and innovation by returning to the 911 technology market of the 1980’s and 1990’s where “[t]his kind of regulatory overhang stagnated 911 technology [and] played a major role in broadening the technology gap” where public safety technology was left behind.<sup>16</sup>

The Competitive Carriers Association (“CCA”) articulates concern that “[e]xpanding the scope of “covered service providers” will result in substantial regulatory burdens being placed on entities that do not have a primary role in transporting communications to 911.”<sup>17</sup> For CCA, the expansion of entities within the “covered 911 service provider” term would come at a cost “without a corresponding increase in public benefit”<sup>18</sup> due to their duplicative reporting burdens under the new regulations. NTCA echoes the CCA’s concerns that expanding the “covered 911 service provider” definition to include new providers is unfounded. NTCA asserts that by expanding the definition, “[t]he Commission is attempting to arbitrarily blanket the entire 911 ecosystem with new responsibilities, hoping that this will resolve any future outages to 911 connectivity.”<sup>19</sup> In other words, it is unclear what overall regulatory benefit the new rules are providing to the nation’s 911 system. Instead, NTCA argues, the Commission should review the existing ambiguities with respect to Section 12.4 *before* expanding the scope of the rule to include new entities to resolve the existing issues within the 911 ecosystem.<sup>20</sup>

These comments highlight the widespread confusion about the scope of the new “covered 911 service provider” definition, and the uncertainty surrounding the effects of proposed rules. A

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<sup>15</sup> iCERT at 2.

<sup>16</sup> *Id.*

<sup>17</sup> Comments of Competitive Carriers Association (“CCA”), PS Docket Nos. 14-193, 13-75, at 3 (March 23, 2015).

<sup>18</sup> *Id.*

<sup>19</sup> NTCA at 3.

<sup>20</sup> *Id.* at 6-7.

definition that attempts to capture any and all potential participants will cause much confusion when applied to the proposed compliance obligations. Thus, Bandwidth believes that the Commission should revisit its new “covered provider” definition with parties’ stated concerns regarding counterproductive expansion of the regulatory burdens clearly in mind.

### **III. THE NEW CERTIFICATION RULES ARE OVERLY BROAD AND VAGUE**

Bandwidth agrees with comments that suggest the Commission’s proposed certification requirements<sup>21</sup> are overly broad and vague. As an underlying provider of emergency calling solutions to voice service providers, Bandwidth is familiar with confusion that can result from vague regulatory requirements. Proposed requirements, such as a sixty (60) day notification and review period prior to initiating new services, will chill innovation and blunt compliance on more critical issues all without clear benefits to end-users. Similarly, Bandwidth believes that “major change” and “new service” notifications are far too subjective, overly broad, and are unlikely to translate well into a fast-paced IP network environment. These are two instances where the certification proposals are too staid, and where the regulations would end up delaying improvements rather than enhancing the system, which is the expressed goal of the proposed requirements.

Bandwidth is an innovative service provider in the IP communications market generally, and the emergency service space specifically. As an IP-based innovative provider of emergency services Bandwidth continually emphasizes the critical balance of promoting public safety simultaneously with meeting market demands. From Bandwidth’s perspective the litany of proposed certification rules tilt too far in the direction of regulating without a clear corresponding benefit to end-users. Instead, the Commission should tailor its certification proposals to more closely fit the dynamic marketplace it has otherwise highlighted in this proceeding.

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<sup>21</sup> *911 Governance Policy Statement and NPRM* at ¶¶ 43, 45, 46.

**A. The Commission Must Generally Provide Greater Specificity in the Scope of the New Certification Rules**

Bandwidth agrees with the various commenters that the Commission's proposed certification requirements are overly broad and confusing generally. A few examples of where clarifying the scope and purpose of these new regulations would be useful are outlined in this section.

Verizon's opening comments state that extending the certification requirements to indirect 911 service providers (*i.e.*, contractors or agents) would lead to confusion for the PSAPs and other emergency authorities as to their respective roles and responsibilities in the 911 system.<sup>22</sup> Similar to the NANSA comments discussed above, Verizon believes that the certification requirements should only extend to prime contractors "regardless of any roles or responsibilities that fall to other parties on a subcontracting basis."<sup>23</sup> Otherwise, the overlapping certification requirements would lead to too much confusion regarding accountability in the system.

AT&T also believes that the new certification requirements under the proposed Rule 12.6<sup>24</sup> are unnecessary. According to AT&T, the new requirements would create "unnecessary and ineffective paperwork."<sup>25</sup> Instead, AT&T believes "[t]he sole purpose of this proposed certification rule appears to be a way of assessing forfeiture penalties on providers"<sup>26</sup> as opposed to ensuring greater accountability in the 911 system.<sup>27</sup> Similar to Verizon, AT&T is concerned that the proposed certification rules are unnecessarily broad, and cannot be justified as forwarding the Commission's objective in ensuring accountability of providers in the 911 system.

The Texas 9-1-1 Alliance ("Alliance") also expresses concerns with the scope of the new certification rules, but from a different perspective. The Alliance states that the "[p]roposed new Rule 12.6 appears somewhat ambiguous on the intent of the applicability of the certification requirement to entities providing one or more of the capabilities of a Covered 911 Service Provider,

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<sup>22</sup> Verizon at 7.

<sup>23</sup> *Id.* at 8.

<sup>24</sup> See *911 Governance Policy Statement and NPRM* at Appendix A, 5.

<sup>25</sup> AT&T at 19-20.

<sup>26</sup> *Id.* at 22.

<sup>27</sup> *Id.* at 20 (quoting *911 Governance Policy Statement and NPRM* at ¶ 59).

but who did not provide such capabilities 'prior to November 21, 2014.'"<sup>28</sup> According to the Alliance, it was unclear whether the Commission intended the certification requirement to extend to "any deployment not addressed within the Covered 911 Service Provider's last Rule 12.4 annual certification," or "is meant to require an independent certification for entities providing new IP-based capabilities."<sup>29</sup> Finally, the Alliance asserts that the Commission needs to resolve these ambiguities prior to going forward with the new rules governing 911 services, or risk the overall success of the new regulations.<sup>30</sup>

### **B. The "Major Changes" and "New Service" Certification Requirements Must Be Adjusted Prior to Implementation**

Bandwidth agrees with the comments of various providers that the Commission's proposed certification requirements for "major changes"<sup>31</sup> in 911 services cannot be implemented in their current state. While the various commenters take issue with different aspects of the proposed "major changes" certification requirements, they all agree that the proposed provisions are overly broad and would have a detrimental impact on the 911 service industry if implemented in their current state.

For example, the CCA states that the "major changes" reporting requirement would be unduly burdensome for smaller carriers "by saddling them with additional regulatory burdens that they are far less equipped to bear than are their larger competitors."<sup>32</sup> Specifically, CCA points out that the Commission's proposed definition of a "major change"<sup>33</sup> "has the potential to be both substantially over- and under- inclusive . . . [by] misguided[ly] focus[ing] on the *scope* of the change, rather than the *impact* of the change."<sup>34</sup> According to CCA, the effect of this expansive definition

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<sup>28</sup> Comments of the Texas 9-1-1 Alliance, PS Docket Nos. 14-193, 13-75, at 5 (March 23, 2015).

<sup>29</sup> *Id.*

<sup>30</sup> *See id.*

<sup>31</sup> *See 911 Governance Policy Statement and NPRM* at ¶¶ 49-51.

<sup>32</sup> CCA at 10.

<sup>33</sup> "[C]hanges with impact [*sic*] on 911 service in more than a single state should be among the changes considered major." *911 Governance Policy Statement and NPRM* at ¶ 50.

<sup>34</sup> CCA at 10 (emphasis in original).

both “misses the point of why a ‘major change’ . . . would be worthwhile for the Commission to be informed of in the first instance,” and could have “a damaging effect on the ability of carriers to manage their networks . . . [and] to innovate in the 911 service space.”<sup>35</sup>

Similarly, CTIA – The Wireless Association® points out that the major change notification “lacks specificity and . . . fails to explain the reasoning behind applying the ‘major change concept’ to CMRS providers and other OSPs that do not interface with PSAPs.”<sup>36</sup> Similar to CCA, CTIA states that the proposed “major changes” definition is too broad as “nearly every ‘change in network architecture’” falls within the scope of the term.<sup>37</sup> Also, CTIA asserts that the proposed 60-day notice period for all forms of major changes is too general in application, unclear in how it would benefit the public, and would “slow innovative changes and advancements in the 9-1-1 space.”<sup>38</sup>

Finally, various commenters assert that the Commission did not sufficiently explain why the proposed “major changes” certification requirement is necessary. For example, AT&T states that “the Commission has offered no evidence that the past absence of such notifications has had any deleterious effects on public safety . . . [and] appear[s] to be little more than costly make-work.”<sup>39</sup> Similarly, the Alliance for Telecommunications Industry Solutions (“ATIS”) states that “[t]here has been no indication that the providers are inappropriately discontinuing or changing service, that any such discontinuance/change has negatively impacted the availability or reliability of 911 service, or that the 911 market is not competitive.”<sup>40</sup>

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<sup>35</sup> *Id.* See also, Comments of Sprint Corporation, PS Docket Nos. 14-193, 13-75, at 6 (March 23, 2015) (stating that the Commission should not extend the major change reporting requirement to Originating Service Providers (“OSPs”) as it “would impact a carrier’s ability to make necessary changes, including improvements and enhancements, in a timely manner”).

<sup>36</sup> Comments of CTIA – The Wireless Association®, PS Docket Nos. 14-193, 13-75, at 10 (March 23, 2015).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 10-11. See also, Reply Comments of Fairfax County, Virginia, PS Docket Nos. 14-193, 13-75, at 8 (April 7, 2015) (“While 60 days of notice generally would be sufficient, a “one size fits all” requirement is not sufficiently nuanced to account for the myriad of consequences that could flow from a major change.”).

<sup>39</sup> AT&T at 13.

<sup>40</sup> Comments of the Alliance for Telecommunications Industry Solutions (“ATIS”), PS Docket Nos. 14-193, 13-75, at 1 (March 23, 2015).

In addition to the comments regarding issues with regulating “major changes”, Bandwidth also agrees with various commenters that the Commission’s proposed “new services” certification requirement<sup>41</sup> is overly broad, and could also have deleterious effects if implemented in its current form. While the Commission attempts to assuage fears regarding regulation of “new services” to a certain degree, the mere concept of going to a federal agency each and every time an innovative service is conceived is disturbing. The perception that FCC approval is required before advancements in the marketplace can occur must be avoided.

iCERT states that “[b]y requiring a certification for each “new service,” the FCC would be inundated with certification filings.”<sup>42</sup> Similarly, AT&T asserts that while “the public needs to be informed of new 911 features and functions available to them . . . this sort of information *is usually provided through local campaigns, not by means of filing at the FCC.*”<sup>43</sup> Thus, for both iCERT and AT&T, any additional reporting requirements at the federal level for new services must be specifically tailored to answer the Commission’s concerns in monitoring the reliability and security capabilities of new services, while at the same time ensuring that they do not overly burden the 911 industry in such a way as to deter system improvements.

Bandwidth understands the Commission’s desire to regulate market entry of new technologies and features into the 911 ecosystem. However, it cautions that the Commission’s current proposed requirements could go too far and deter future innovation due to the expansive and burdensome nature of the reporting requirements.

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<sup>41</sup> See *911 Governance Policy Statement and NPRM* at ¶¶ 57-63.

<sup>42</sup> iCERT at 2.

<sup>43</sup> AT&T at 16, note 28 (emphasis added).

#### **IV. THE PROPOSED SITUATIONAL AWARENESS REQUIREMENTS SHOULD BE DEVELOPED BY INDUSTRY STAKEHOLDERS COLLECTIVELY**

Several commenters asserted that the proposed rules regarding situational awareness and coordinated responsibility during a 911 outage are unworkable in light of inherent complexities and technical limitations in the 911 ecosystem. Bandwidth generally agrees with these various commenters, and as suggested by the Commission itself,<sup>44</sup> believes that effective and transparent industry “best practices” and “operational guidance” governing situational awareness policies and procedures should be implemented through CSRIC prior to the implementation of new regulations.

##### **A. It is Unclear Whether the System is Capable of Supporting the Proposed Requirements**

Bandwidth agrees with various commenters who caution the Commission that the technical capabilities of the 911 system need to be taken into consideration before implementing real-time situational awareness regulations. One of the realities of the “hybrid” nature of today’s 911 environment is that there are wide discrepancies among stakeholders related to technical and operational expertise. Flooding such a diverse system with a host of new participants trying to comply with a series of unclear regulations is likely to be chaotic. For example, it is hard to envision how today’s environment could possibly handle a requirement that suggests that *all* service providers of emergency services of *all* sorts report outages to *all* potentially impacted PSAPs within 30 minutes. At a baseline level, in light of the dearth of readily available “contact information” for PSAPs throughout the country, it is likely that many providers that may fit within the new proposed definition of “covered provider” would have no idea how to contact a PSAP at all, let alone within 30 minutes.

Highlighting some of these very real concerns, one of the preeminent standards organizations in the industry, ATIS, believes that the Commission’s proposed situational awareness regulations are unworkable from a technical standpoint, and thus should not be adopted in their

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<sup>44</sup> See *911 Governance Policy Statement and NPRM* at ¶¶ 47, 52, 61, 70.

present state.<sup>45</sup> Specifically, ATIS warns that “there could be significant liability issues associated with performance of these duties.”<sup>46</sup> Notwithstanding these comments, however, ATIS believes that with modifications, the efficacy and workability of these rules remains viable in the long run.<sup>47</sup>

CenturyLink also expresses concerns with the current framework of the situational awareness policies and procedures.<sup>48</sup> CenturyLink states that a huge technical hurdle to the Commission’s proposal is that the 911 system was not designed to provide “open access” or visibility into other providers’ networks.<sup>49</sup> And, since even the Commission admitted that real-time situational awareness may not be currently technically feasible,<sup>50</sup> CenturyLink cautions that “this issue needs time to be examined and explored” before implementation.<sup>51</sup>

The comments of ATIS and CenturyLink demonstrate Bandwidth’s concern that the Commission should “look before it leaps” rather than implementing new situational awareness policies and procedures that are inconsistent with the technical capabilities and complexities of the 911 system. Should the Commission move forward with the proposed program it should consider deployment in orderly phases to allow for development of sound industry best practices and technical guidelines to be developed and implemented first.

#### **B. CSRIC Should Develop Industry Best Practices and Technical Guidelines Prior to the Implementation of Situational Awareness Requirements**

Bandwidth concurs with other commenters that highlight a role for CSRIC to guide the development and adoption of key industry best practices and technical guidelines before the Commission implements new situational awareness regulations given the complexity the concepts articulated in the *NPRM*. In order for the new requirements to be successful, the industry must

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<sup>45</sup> ATIS at 9.

<sup>46</sup> *Id.* at 8.

<sup>47</sup> *Id.* at 1.

<sup>48</sup> Comments of CenturyLink, Inc., PS Docket Nos. 14-193, 13-75, at 13-18 (March 23, 2015).

<sup>49</sup> *Id.* at 13.

<sup>50</sup> See *911 Governance Policy Statement and NPRM* at ¶ 65 (“While it may not be technically or economically feasible for a single entity to monitor, control or repair every segment of a 911 network from caller to PSAP . . .”).

<sup>51</sup> CenturyLink at 13.

“buy-in” to the program. Without such input, the situational awareness program is unlikely to be successful.

Many commenters have highlighted the need for industry input to ensure the overall success of the Commission’s new regulations governing 911 services, and that CSRIC should lead these efforts.<sup>52</sup> While these commenters discussed various areas in which CSRIC’s involvement could be beneficial to the Commission’s deployment of new 911 service regulations, they all agreed that the lack of consensus among industry stakeholders regarding 911 services best practices and technical capabilities must be addressed before the Commission implements any new regulations. Without a consensus based on reasonable industry best practices and guidelines, the Commission lacks a solid policy foundation for its new 911 service rules.<sup>53</sup> Thus, the 911 service industry’s support and involvement in fostering new 911 service regulations as led by CSRIC is essential.<sup>54</sup>

As stated by the U.S. Telecom Association, “[s]ince 1992, the Commission has turned to . . . CSRIC . . . to share information and develop recommendations to provide to the FCC.”<sup>55</sup> In contrast to top-down federal policymaking models led by the Commission, relying on CSRIC as a vehicle for a “multi-stakeholder, multi-jurisdictional, public-private collaborative approach has yielded more innovative and evolving solutions for improving the resiliency and reliability of transitional 911 systems . . . .”<sup>56</sup> Thus, given the technical challenges associated with situational awareness, CSRIC is best positioned to develop coherent policies and procedures to govern the program.

Interestingly, the views of U.S. Telecom contrast with the views of the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) which firmly asserts that ATIS is the

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<sup>52</sup> See, e.g., Sprint at 5; CTIA at 6; Comments of the United States Telecom Association, PS Docket Nos. 14-193, 13-75, at 3 (March 23, 2015)

<sup>53</sup> Comments of Intrando Inc., PS Docket Nos. 14-193, 13-75, at 26-27 (March 23, 2015).

<sup>54</sup> See Comments of the Telecommunications Industry Association, PS Docket Nos. 14-193, 13-75, at 5 (March 23, 2015).

<sup>55</sup> U.S. Telecom at 3.

<sup>56</sup> *Id.* at 3-4.

preferred standards-setting body.<sup>57</sup> APCO's rejection of CSRIC as the preferred standards-setting body is somewhat ironic because it can be inferred from ATIS's comments that ATIS itself believes that CSRIC is the best platform for overcoming the technical challenges associated with situational awareness due to the collaborative nature of the committee's decision-making process.<sup>58</sup> Hence, CSRIC's policymaking flexibility is preferable to the narrowed approach proposed by APCO and ATIS.

Bandwidth believes that CSRIC affords the Commission the most appropriate platform in order to develop successful policies and procedures for the new situational awareness program. Using CSRIC allows the Commission to sift through the "increased complexity and confusion"<sup>59</sup> of the program with the aid of industry collaboration – thus ensuring the success of the new program.

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<sup>57</sup> Comments of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), PS Docket Nos. 14-193, 13-75, at 5 (March 23, 2015).

<sup>58</sup> See ATIS at 3 ("These challenges are not insurmountable, however, and *the Commission can promote this transition (and the innovation associated with it)* by avoiding the imposition of unduly burdensome regulation that will discourage market entry and technological advancement.") (emphasis added). See also, *id.* at 4 ("ATIS is concerned that some proposals may be problematic or otherwise infeasible . . . and cannot and should not be implemented as recommended.").

<sup>59</sup> See iCERT at 4 (stating that the expanded scope of the "covered 911 service provider" definition will add greater complexities to providers' situational awareness capabilities).

## V. CONCLUSION

For the foregoing reasons, Bandwidth supports the Commissions initiatives in the *911 Governance Policy Statement and NPRM* to confront questions and concerns related to 911 calling as communications networks and services undergo continued technological change. However, Bandwidth urges the Commission to work with industry to develop rules that incorporate consensus-based best practices rather than adopting sweeping compliance requirements that may actually thwart the public good on balance. Continued, targeted efforts to address identifiable gaps in the emergency services ecosystem will produce tangible improvements more rapidly than a swift implementation of sweeping compliance obligations.

Respectfully Submitted,

/s/

Michael P. Donahue  
Marashlian & Donahue, LLC  
1420 Spring Hill Road, Suite 401  
McLean, VA 22102  
(703) 714-1319  
[mpd@commlawgroup.com](mailto:mpd@commlawgroup.com)

Greg Rogers  
Deputy General Counsel  
Bandwidth.com, Inc.  
900 Main Campus Drive, Suite 500  
Raleigh, NC 27606  
(919) 439-5399  
[grogers@bandwidth.com](mailto:grogers@bandwidth.com)

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