

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
To: The Commission

REPLY COMMENTS OF CTIA—THE WIRELESS ASSOCIATION®

CTIA—The Wireless Association® (“CTIA”) hereby submits these reply comments in response to the above-captioned Notice of Proposed Rulemaking seeking to expand Commission rules regarding 9-1-1-specific governance and accountability.¹ The record shows that CMRS carriers share the Commission’s commitment to reliable and resilient 9-1-1. Reliability and resiliency of service are central to mobile wireless providers’ 9-1-1 operations – and CMRS carriers today are subject to accountability through significant 9-1-1 and network outage regulation. Further, CMRS carriers are fully engaged in existing multi-stakeholder bodies like the Communications Security, Reliability and Interoperability Council and the Alliance for Telecommunications Industry Solutions to advance the security and reliability of 9-1-1 communications by identifying issues and developing best practices.

As CTIA explained in its initial comments and the record now confirms, there is no basis to designate mobile wireless providers as “covered 9-1-1 service providers” or to apply onerous and duplicative regulation on mobile wireless providers. In these reply comments, CTIA makes the following points:

¹ *911 Governance and Accountability*, Policy Statement and Note of Proposed Rulemaking, 29 FCC Rcd 14208 (2014) (“*Notice*”).

- Mobile wireless providers are subject to existing 9-1-1 compliance and outage reporting requirements.
- The record reflects the fact that the *Notice* is largely intended to address other elements of the 9-1-1 ecosystem, not wireless providers, and no commenters offer a basis to add another layer of regulation to wireless providers. Nor would they be able to, as the record does not contain any evidence of a widespread or growing wireless problem – in fact, the evidence presented is to the contrary. Similarly, the record confirms that mobile wireless providers primarily provide 9-1-1 service to end user consumers, rather than serving PSAPs and 9-1-1 authorities.
- Applying the proposed reporting, annual certification, and clearinghouse requirements would not provide tangible benefits to the Commission’s understanding of mobile wireless providers’ provision of 9-1-1 service.

Thus, there is no basis to include wireless carriers in an expanded definition of “covered 9-1-1 service provider” or impose new annual certification atop the strong 9-1-1 accountability and network outage reporting requirements that already apply to CMRS providers. The Commission should instead pursue the cooperative approach that exists today among the Commission, the wireless industry, and public safety to identify best practices and ways to improve 9-1-1 service.

I. THE RECORD REBUTS THE IDEA OF EXPANDING “COVERED 9-1-1 SERVICE PROVIDERS” TO INCLUDE ORIGINATING SERVICE PROVIDERS LIKE WIRELESS CARRIERS

The Commission should not expand the definition of “covered 911 service providers” in a way that would include providers of originating access service, *e.g.*, CMRS providers.² As several commenters note, the Commission already has in place strong 9-1-1 accountability

² See CTIA Comments at 1, 4-9; AT&T Services, Inc. Comments at 3, 9-10; Competitive Carrier Comments at 2-4; Sprint Comments at 3-6; T-Mobile USA, Inc. Comments at 3-10; *see also* ATIS Comments at 4 (asserting that the Commission should not expand the definition of “covered 911 service providers” beyond entities that provide network facilities or services solely related to providing 9-1-1); National Association of State 911 Administrators Comments at 2 (asserting that the prime contractor for 9-1-1 and NG9-1-1 services should be responsible for guaranteeing to the PSAP or 9-1-1 authority that its agents and sub-contractors are experienced and qualified rather than adopting the proposed “covered 911 service providers” definition).

requirements for mobile wireless providers.³ In particular, 9-1-1 rules and network outage reporting ensure that CMRS providers are committed to 9-1-1 reliability and resiliency; there is no evidence in the record to assert that CMRS 9-1-1 compliance and outage reporting requirements are failing to serve their purpose. Moreover, there is no evidence that the number of wireless 9-1-1 outages is increasing or that wireless carriers are failing to follow best practices.⁴

Some commenters, whether intentionally or not, encourage the Commission to expand the definition in a manner that would sweep in wireless providers.⁵ These commenters, however, do not offer any explanation of why carriers' existing accountability obligations are insufficient, nor do they identify any tangible benefit of extending the covered service provider definition to CMRS providers. Indeed, commenters do not seem focused on wireless providers at all, and their arguments do not appear to apply to wireless providers.⁶ For example, the California Public Utility Commission suggests that “[a]ll parties provisioning any part of the 911 network should be responsible for ensuring the reliability of the function so provided,”⁷ and NENA expresses concern that without a broader definition, “some providers of facilities or

³ See, e.g., CTIA Comments at 4-5; Competitive Carriers Association Comments at 2-4; T-Mobile USA, Inc. Comments at 4-6.

⁴ See, e.g., T-Mobile USA, Inc. Comments at 6-7 (noting that the maximum number of outages for a particular month seems to have decreased each year since 2011, and that there were 12 E9-1-1 outages in 2011 and 11 such outages in 2014).

⁵ See Airbus DS Comments at 4-5; California Public Utilities Commission Comments at 4; CenturyLink Comments at 4-6; Grays Harbor E911 Communications Comments at 1; Kings County E911 Program Comments at 3; NENA Comments at 5.

⁶ See also Texas 9-1-1 Entities Comments at 9 n.13 (questioning, among other things, whether the *Notice's* proposed definition of “covered 911 service providers” intends to reach wireless carriers that utilize mobile positioning centers).

⁷ California Public Utilities Commission Comments at 4.

services that are critical to 9-1-1 call completion or data delivery could escape public oversight *entirely* by exploiting the gap between state regulations ... and federal regulations....”⁸ CMRS carriers, however, already are “responsible for ensuring the reliability” of the CMRS-side of the network through 9-1-1 service requirements and outage reporting, and thus have not “escape[d] public oversight.”

II. THE PROPOSED ANNUAL CERTIFICATION REQUIREMENT, IF APPLIED TO CMRS, IS MISGUIDED

Neither the *Notice*, nor commenters in the record, identify a clear purpose for, or any clear benefits from, imposing the proposed annual certification requirement on wireless providers. Even commenters in favor of the annual certification proposal do not address any tangible benefits for imposing such a requirement on wireless providers already subject to 9-1-1 rules and network outage reporting.⁹ Such action, however, would create unwarranted costs. As T-Mobile notes, the Commission has previously recognized that the certification requirement imposes costs, and the proposed certification requirement cannot satisfy the required cost-benefit analysis.¹⁰ Further, the Commission should refrain from imposing certification requirements that demand a guarantee that no provider can make: a guarantee of reliability, rather than a guarantee of best efforts. This “calculated to fail” standard would not improve 9-1-1 resiliency, as no provider can guarantee 100 percent reliability.¹¹

⁸ NENA Comments at 5.

⁹ *See, e.g.*, King County E911 Program at 3; Pacific Country Sheriff’s Office Comments at 1.

¹⁰ T-Mobile USA, Inc. Comments at 9.

¹¹ *See* AT&T Services, Inc. Comments at 25.

Instead of imposing new, unnecessary across-the-board regulation of the 9-1-1 ecosystem that would extend to CMRS providers already subject to extensive 9-1-1 regulation and network outage reporting obligations, the Commission should continue to support and pursue the cooperative approach among the Commission, the wireless industry, and public safety to identify best practices for enhancing 9-1-1 service reliability and improving 9-1-1 service.

III. A NETWORK OUTAGE CLEARINGHOUSE IS UNWARRANTED AT THIS TIME

New rules for a network outage clearinghouse would increase compliance costs that ultimately are shouldered by consumers, but would do so without offering any commensurate increase in situational awareness or coordination to justify such costs. In addition, the record reflects that widespread sharing of proprietary information as envisioned in the *Notice* could create competitive injury.¹² Indeed, the record is replete with numerous significant practical, jurisdictional, competitive, and legal challenges with, as well as questions regarding the efficacy and cost-effectiveness of, the Commission's proposal.¹³ For example, ATIS states "it is not reasonable or even feasible for one carrier to monitor, control, or repair another carrier's network" and that "there could be significant liability issues associated with performance of these duties."¹⁴ Similarly, APCO, citing "numerous jurisdictional, contractual and information

¹² See, e.g., Competitive Carriers Association Comments at 7-8; Intrado Comments at 62; Motorola Solutions Inc. Comments at 7.

¹³ See, e.g., AT&T Services, Inc. Comments at 26-31; ATIS Comments at 8; APCO Comments at 5-6; CenturyLink Comments at 13-14; Competitive Carriers Association Comments at 7-8; iCERT Comments at 5; Intrado Comments at 62; ITTA Comments at 3; Motorola Solutions Inc. Comments at 7; Sprint Comments at 5; Verizon Comments at 4-6; see also Alaska Rural Coalition Comments at 9 (asserting that the proposal is unnecessary for Alaska).

¹⁴ ATIS Comments at 8.

sharing issues,” states that the proposal “could add unnecessary and costly levels of operation.”¹⁵

Accordingly, the Commission should carefully weigh whether there is a basis to pursue this proposal and, absent compelling evidence, refrain from taking action.

IV. CONCLUSION

For the reasons stated above and in CTIA’s comments filed previously in this docket, the Commission should refrain from extending new 9-1-1 accountability rules to CMRS providers, which are already subject to significant and extensive 9-1-1 and network outage reporting and notification requirements that address the provision of reliable and resilient service.

¹⁵ APCO Comments at 5-6.

Respectfully submitted,

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