

Before the
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

In the Matter of)	
)	
Facilitating the Deployment of Text-to-911 and other Next Generation 911 Applications)	PS Docket No. 11-153
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255

ORDER

Adopted: November 19, 2015

Released: November 19, 2015

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION AND BACKGROUND

1. By this *Order*, we grant Alaska Wireless Network, LLC (AWN) a waiver until December 31, 2015 of the deadline for being capable of sending 911 texts to a Public Safety Answering Point (PSAP).¹ This waiver is conditioned on AWN submitting a final certification that it is capable of sending texts to 911 as of December 31, 2015.

2. On August 13, 2014, the Commission released the *Second Report and Order* in this proceeding, requiring covered text providers² to be capable of sending texts to 911 by December 31, 2014.³ On December 31, 2014, AWN submitted a petition seeking a one-year waiver of this deadline, claiming that it could not implement a cost-effective solution by the deadline for routing of 911 texts on its GSM/UMTS and LTE networks.⁴ On May 4, 2015, the Bureau released a Public Notice inviting comment on AWN’s petition.⁵ No comments were received.

3. In its petition, AWN, a Tier III wireless carrier operating GSM/UMTS and LTE wireless networks throughout the state of Alaska, describes specific technical limitations that it faces associated with routing 911 text messages on its LTE networks operating in tandem with its GSM/UMTS networks. AWN states that during contract discussions in November 2014 with two potential text-to-911 service vendors, it learned that neither vendor could implement a solution that would enable AWN to meet the December 31, 2014 deadline with respect to texts sent over its LTE network. Specifically, according to

¹ 47 C.F.R. § 20.18(n)(10)(i).

² Covered text providers include all Commercial Radio Service Providers (CMRS) as well as all providers of interconnected text messaging service that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise installed on mobile phones. 47 C.F.R. § 20.18(n).

³ Facilitating the Deployment of Text to 911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment, PS Docket Nos. 11-153 and 10-255, *Second Report and Order*, 29 FCC Rcd 9846 (2014). The rules contained in the *Second Report and Order* became effective on October 16, 2014. See 79 Fed. Reg. 55367 (Oct. 16, 2014).

⁴ Petition for Waiver, Alaska Wireless Network, LLC, PS Docket No. 11-153 (filed Dec. 31, 2014) (Petition).

⁵ Public Safety and Homeland Security Bureau Seeks Comment on Petition for Waiver Filed by Alaska Wireless Network, LLC, *Public Notice*, DA 15-532 (released May 4, 2015).

AWN, “a technical issue prevents their text-to-911 solutions from passing a handset’s cell ID to the Mobile Switching Center (‘MSC’) for use in locating and routing texts sent to 911 over AWN’s LTE network.”⁶ AWN submits that the technical issue only affects the routing of 911 text messages originating from LTE networks deployed alongside GSM/UMTS networks, and that it does not affect text messages originating on AWN’s underlying 2G and 3G networks.⁷ AWN contends that being required to upgrade its network by the December 31, 2014 deadline to support text-to-911 across all of its networks would be “prohibitively expensive” and that enforcing the deadline would therefore be “inequitable, unduly burdensome, and contrary to the public interest.”⁸ AWN states that a waiver until December 31, 2015 will provide sufficient time for AWS to develop a solution.⁹ AWN also notes that to its knowledge as of the time the petition was filed, no Alaska PSAP had requested text-to-911 service from AWN or planned to request text-to-911 service in 2015.¹⁰

4. On October 30, 2015, AWN filed a letter stating that it had entered into a contract with a text-to-911 vendor that would enable AWN to route 911 texts on its LTE network alongside its GSM/UMTS networks by December 31, 2015, as set forth in its waiver request.¹¹ According to AWN, its vendor has “confirmed to AWN that AWN will be able to respond to any PSAP request for text-to-911 service within six months of notification from a text ready PSAP.”¹²

II. DISCUSSION

5. Section 1.925(b)(3) of the Commission’s rules states that the Commission may grant a request for waiver if it can be shown that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹³

6. We find that grant of a one-year waiver, *nunc pro tunc*, is warranted, as the underlying purpose of the rule would not be served in the unique circumstances presented here. AWN has demonstrated that it faces unique geographical and technological challenges that would have made it prohibitively expensive to meet the December 31, 2014 text-to-911 implementation deadline. AWN has further committed to working towards a solution to this problem on a one-year timetable,¹⁴ and has

⁶ Petition at 2-4; Declaration of John Myhre in Support of Petition for Waiver of the Alaska Wireless Network, LLC, at 2 (Declaration). AWN states that “[i]n the case of texts sent over LTE . . . the LTE handset communicates with the MSC indirectly, through the [Mobility Management Entity], which cannot pass through the cell ID to the MSC. Therefore, the cell ID is not available in the MSC, and the MSC has no means to provide the coarse location information. This . . . prevents reliable routing to the appropriate PSAP at all.” *Petition* at 3.

⁷ Petition at 3 and 4 n.4; Declaration at 2.

⁸ Petition at 4.

⁹ *Id.* at 2.

¹⁰ *Id.* at 5.

¹¹ Letter from Kristine Laudadio Devine, Counsel to AWN, to Marlene Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 10-255 and 11-153 (filed Oct. 30, 2015) (October 30 Letter) (affirming that AWN will be in compliance with the Commission’s rules by Dec. 31, 2015, as set forth in AWN’s waiver request).

¹² October 30 Letter at 1.

¹³ 47 C.F.R. § 1.925(b)(3)(i)-(ii).

¹⁴ *Id.* at 5.

recently confirmed that it has a vendor contract in place and that it will be compliant by December 31, 2015. Finally, our decision to grant the waiver is significantly influenced by the fact that to date, no PSAP in Alaska has notified the Commission that it is text-capable or has requested that AWN and other covered text providers in Alaska begin delivering 911 texts. At such time as PSAPs in Alaska may become text-capable and request text-to-911 delivery, AWN will be in a position to respond to such requests in a timely manner. Consequently, we find that the public interest weighs in favor of granting the waiver.

7. As a condition of the waiver, we require AWN to submit a final certification no later than December 31, 2015 that it is text-capable as required by our rules. Finally, we note that AWN filed this waiver request on the day of the deadline it sought to waive, and therefore we remind AWN and other licensees that requests for waivers of the Commission's rules must be filed in a timely manner. In particular, we strongly encourage parties seeking waiver relief from Commission deadlines to file their requests as far in advance of the applicable deadline as possible.

III. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and Sections 0.191, 0.392, and 1.925 of the Commission's Rules, 47 C.F.R. §§ 0.191, 0.392, and 1.925, this Order is ADOPTED.

9. IT IS FURTHER ORDERED that the Petition for Waiver, filed by Alaska Wireless Network, LLC on December 31, 2014, IS GRANTED to the extent described herein and SHALL EXPIRE December 31, 2015.

FEDERAL COMMUNICATIONS COMMISSION

David G. Simpson
Rear Admiral, USN (ret.)
Chief, Public Safety and Homeland Security Bureau