

NENA

The 9-1-1 Association

1700 Diagonal Road | Suite 500 | Alexandria, VA 22314

Ms. Marlene H. Dortch, *Secretary*
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

December 21st, 2015

RE: *In re* Petition of Twilio, Inc., for Expedited Declaratory Ruling, WT Docket 08-7

Dear Ms. Dortch:

On behalf of NENA: The 9-1-1 Association, I write to provide brief comments on with respect to the above-captioned proceeding.

At the outset, NENA expresses no opinion as to the proper regulatory classification of SMS services. We provide these reply comments solely to address certain specific concerns raised by other commenters with respect to the availability and integrity of the SMS platform. Whether the Commission should or should not grant Twilio's petition, we leave to others to discuss. If the Commission were to consider granting Twilio's petition, however, we believe it should carefully consider the impact such a decision could have on access to crucial emergency communications services, such as Text-to-9-1-1.

NENA begins with the proposition that Text-to-9-1-1 service should be universally available to consumers. We are therefore sensitive to the concerns expressed by CTIA and others that a Title II classification could drive consumers away from the SMS platform. SMS is unique because it is a carrier-provisioned messaging service anchored to numbering resources from the North American Numbering Plan (NANP). Unlike other Over-the-Top (OTT) messaging services, every consumer with Commercial Mobile Radio Service and a compatible device should be able to access SMS service with no further software downloads, subscriptions, or configuration. This universality, along with consumers' clearly-expressed affinity for SMS service, has led to the adoption of SMS as the first, and currently only, platform for Text-to-9-1-1. As such, NENA is convinced that the SMS platform requires certain protections to ensure it is not abandoned by consumers. For example, NENA is concerned that unconstrained "spamming" of SMS users could lead to significant platform viability issues over the medium to long term. For example, if either consumers or, worse yet, PSAPs, are inundated with unwanted messages, either cohort could withdraw from widespread use of the SMS platform. Carriers currently undertake significant efforts to ensure that consumers' messaging experience remains positive, and NENA believes that at least some such efforts should remain permissible under the Commission's rules, even if the SMS platform is reclassified. While we recognize that there are serious competition policy concerns with the means and manner by which such efforts are undertaken, we urge the Commission to avoid an overly-restrictive approach, should it grant Twilio's petition. NENA is convinced that these concerns could be addressed by the Commission under *either* the current regulatory regime of non-classification, or the alternate regime proposed by Twilio.

NENA reiterates our neutrality with respect to the regulatory classification of SMS service, but urges the Commission to remain mindful of the unique role this service plays in consumers' and PSAPs emergency communications toolkit. Whatever the Commission's decision, it should carefully and cautiously protect the viability of the SMS platform.

Sincerely,



Telford E. Forgety, III, "Trey"
Director of Government Affairs