

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**Report on Technical and Operational** ) **WT Docket No. 02-46**  
**Wireless E911 Issues** )

**To: The Federal Communications Commission**

**COMMENTS OF THE TEXAS COMMISSION ON STATE EMERGENCY  
COMMUNICATIONS AND TEXAS EMERGENCY COMMUNICATION DISTRICTS**

The Texas Commission on State Emergency Communications and certain Texas Emergency Communication Districts, hereinafter referred to collectively as the “Texas 9-1-1 Agencies,”<sup>1</sup> file these brief reply comments in response to the initial comments submitted by some parties in response to the October 16, 2002, public notice seeking comments on the Hatfield Report.

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<sup>1</sup> The Texas Commission on State Emergency Communications is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The Texas Emergency Communication Districts are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, DENCO Area 9-1-1 District, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Medina County 9-1-1 District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Wichita-Wilbarger 9-1-1 District, Potter-Randall County Emergency Communication District, Smith County 9-1-1 Communications District, Tarrant County 9-1-1 District, and Texas Eastern 9-1-1 Network. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

The Texas 9-1-1 Agencies have reviewed the filed comments and support, for the most part, the initial comments of NENA, APCO, and NASNA. The Texas 9-1-1 Agencies will briefly reply to some comments and would respectfully show:

I.

**The Commission should summarily reject Verizon's request to replace existing state and local funding mechanisms for Public Safety Answering Points' 9-1-1 service costs with only general revenue funding.**

In a continuously evolving wireless and wireline telecommunications market, funding for needed upgrades to and maintenance of Public Safety Answering Points (PSAPs) is critical and of utmost importance. The Texas 9-1-1 Agencies, however, do not believe that Verizon's proposed solution to this issue is the proper answer. Verizon argues:

The Commission should recommend development of public funding of E911 service through general tax revenue rather than through telecommunications surcharges. .... For these reasons, the existing hodgepodge of state funding mechanisms, both explicit and implicit, should be replaced by public funding of E911 deployment.<sup>2</sup>

Complete reliance on federal funding for public safety and PSAP initiatives is illogical and unreasonable. Verizon has not shown the need to eliminate existing state and local funding mechanisms for the PSAP costs. The Texas 9-1-1 Agencies agree with and support additional federal general revenues and federal incentives to states and local governments for PSAP costs, to enhance 9-1-1 networks and 9-1-1 databases on a national basis, or to promote a future path for 9-1-1 as appropriate. The Texas 9-1-1 Agencies respectfully submit, nevertheless, that the best approach to protect public safety is for any additional federal funding to be an appropriate

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<sup>2</sup> Verizon Initial Comments at pp.7-8.

supplement to and not a replacement of the existing state and local funding mechanisms for PSAP costs.

## II.

**The Commission should consider providing assistance to state public utility commissions on pricing and competitive concerns associated with wireless 9-1-1 service interconnection issues.**

The Hatfield Report recommends that the Commission “work closely with the individual state public utility commissions ... to alert them to the importance of the pricing issues to the rollout of wireless E911 on a nationwide basis.”<sup>3</sup> Sprint’s initial comments urge that “[t]he Commission should use its position of influence to ensure that ILEC services supporting E-911 are priced as economically as possible, with due regard for public safety and the benefits that are derived from such services.”<sup>4</sup> The joint initial comments of NENA, APCO, and NASNA argue that “we think it fair to assume that if ILEC prices and terms are not affordable and fair to PSAPs and wireless carriers, ways will be found to deliver wireless E9-1-1 that reduce or eliminate the present degree of reliance on intermediary services and facilities of the wire telephone companies.”<sup>5</sup> The Texas 9-1-1 Agencies agree with both Sprint and the joint comments of NENA, APCO, and NASNA. The joint comments of NENA, APCO, and NASNA indicating that ways will be found to reduce or eliminate the present reliance on the ILECs if prices are set too high may ultimately be correct. At the moment, all parties should be concerned that the current regulatory environment is fair and reasonable and protects public safety.

The Texas 9-1-1 Agencies believe that the Commission may be able to assist state PUCs

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<sup>3</sup> Hatfield Report at p. 34.

<sup>4</sup> Sprint Initial Comments at p. 8.

<sup>5</sup> Joint Initial Comments of NENA, APCO, and NASNA at p. 15.

by providing guidance on some key issues. First, regardless of which side of the King County demarcation point is in issue, the costs are still the costs related to enabling a wireless carrier subscriber to reach 9-1-1 in an emergency. To the extent that the ILECs wholesale interconnection rates to a wireless carrier would be less expensive than retail rates that might otherwise apply to the PSAPs, the PSAPs should be able to purchase under wholesale pricing for this 9-1-1 service.

Another related area of concern is ensuring that the potential for reducing or eliminating reliance on the ILEC (as noted as a possibility in the joint comments by NENA, APCO, and NASNA) does not unfairly impact PSAPs that do not have or use that competitive option. For example, if some PSAP customers of a state (or an entire PSAP customer base of a state for that matter) have the competitive option to reduce or eliminate reliance on the ILEC, the ILEC should not simply be able to increase the rates of the remaining PSAP customers in the state or in other states that may not have or use these competitive options currently. Such would unfairly burden the remaining PSAP customers and not be in the best interests of public safety.

Until a fully competitive market exists for 9-1-1 interconnection services, the Commission should consider providing guidance to assist state PUCs on wireless 9-1-1 interconnection issues to ensure that the regulatory environment is fair and reasonable and protects the interests of public safety. However, such guidance would have to occur on an expedited basis as ILEC tariff cases are currently before some state PUCs.

### III.

### **CONCLUSION**

The Texas 9-1-1 Agencies appreciate the opportunity to submit these reply comments. The Texas 9-1-1 Agencies urge the Commission to reject Verizon's request to replace existing funding mechanisms for PSAP costs, and urge that any additional recommended federal general

revenue funding be a supplement to, and not a replacement of, the existing state and local funding mechanisms for PSAP costs. The Texas 9-1-1 Agencies also urge the Commission to consider providing guidance to assist state PUCs on wireless 9-1-1 interconnection issues to ensure that the regulatory environment is fair and reasonable and protects the interests of public safety.

Respectfully submitted,

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Certificate of Service

I certify that a copy of these comments is being served on December 3, 2002 by regular or overnight mail or fax on the required parties.

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Rupaco T. González, Jr.

Rick: FCC Hatfield Reply Comments (WT NO. 02-46)