

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

In the Matters of	§	
	§	
IP-Enabled Services	§	WC Docket No. 04-36
	§	
E911 Requirements for IP-Enabled Service Providers	§	WC Docket No. 05-196
	§	

**Comments of the Public Utility Commission of Texas**

The Public Utility Commission of Texas (Texas PUC), having regulatory authority over public utilities within our jurisdiction in Texas, respectfully submits these comments in response to the *Notice of Proposed Rulemaking (NPRM)* issued by the Federal Communications Commission (Commission) in the above-captioned proceedings.

As discussed in the *NPRM*, the Commission has requested input regarding the role states can and should play to help implement the Commission's new E911 rules for providers of interconnected voice over Internet Protocol (VoIP) service.<sup>1</sup> Specifically, the Commission seeks comment on whether state and local governments should play a role similar to the roles they played in implementing the Commission's wireless 911/E911 rules, and whether the Commission should take any action to facilitate states' ability to collect 911 fees from interconnected VoIP providers, either directly or indirectly.

In Texas, 911 matters fall under the jurisdiction of two state agencies – the Commission on State Emergency Communications (CSEC) and the Texas PUC – as well as local authorities, in particular municipalities and county governments. CSEC is the state agency charged by the Texas Legislature with oversight of both 911/E911 and poison control operations. CSEC, as well as municipalities and county governments, are involved in the day-to-day operations and implementation of 911/E911 programs. CSEC regularly monitors and participates in Texas PUC and Commission matters potentially affecting 911 emergency service to ensure that 911 in Texas is protected in a changing telecommunications

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<sup>1</sup> *In re: IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 and 05-196, FCC 05-116, Notice of Proposed Rulemaking at para. 61 (rel. June. 3, 2005) (*NPRM*).

environment. The Texas PUC has certain, limited oversight authority over CSEC; specifically, the Texas PUC has been charged with monitoring the fees CSEC establishes and the allocation of the revenues from such fees.<sup>2</sup> In addition, the executive director of the Texas PUC, or his designate, is a non-voting ex-officio member of CSEC.

Since the introduction of competition in the Texas telecommunications market, the Texas PUC has worked diligently with CSEC and local 911 entities to ensure that the integrity of the state's 911 system is maintained in the context of a competitive telecommunications market. To that end, the Texas PUC has established minimum requirements for how interconnected certificated telecommunications utilities (CTUs) work together appropriately to provide emergency services,<sup>3</sup> as well as specific reporting and notification requirements, network interoperability, service quality and database integrity standards, and the requirement that CTUs file a tariff that provides 911 administrative entities the option to purchase any separately offered and priced 911 service.<sup>4</sup> In addition, the Texas PUC has implemented rules that provide for uniform cost recovery methods for dedicated trunks used in the provision of 911 service to end users by CTUs,<sup>5</sup> and rules that mandate that a contract between an operator service provider and a call aggregator require the call aggregator to allow 911 calls to be outpulsed directly to the public service answering point without requiring a coin or credit card.<sup>6</sup>

Overall, given the extent to which the Texas PUC, CSEC and local authorities are involved in the implementation and operation of the state's 911 network, the Texas PUC believes that state commissions and local authorities are best able to implement and monitor implementation of the provision of 911/E911, and they should continue to maintain that role with regard to interconnected VoIP providers. Therefore, with regard to the implementation of the Commission's new VoIP E911 rules, the Texas PUC urges the Commission to permit state commissions and local authorities to tailor solutions for E911 that best address the service quality requirements and 911 network operations in each state.

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<sup>2</sup> P.U.C. SUBST. R. 26.431 (see Attachment A).

<sup>3</sup> P.U.C. SUBST. R. 26.272 (see Attachment A).

<sup>4</sup> P.U.C. SUBST. R. 26.433 (see Attachment A).

<sup>5</sup> P.U.C. SUBST. R. 26.435 (see Attachment A).

<sup>6</sup> P.U.C. SUBST. R. 26.321 (see Attachment A).

In closing, the Texas PUC appreciates the opportunity to provide initial comments to the Commission in this proceeding. The Texas PUC believes that it is important to highlight the current activities taking place at the state level, and to urge the Commission to consider the role of local authorities and existing state rules when considering the role that states should play in implementing the Commission's new VoIP E911 rules.

Respectfully submitted,

Public Utility Commission of Texas  
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July 18, 2005

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Julie Parsley  
Commissioner

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Paul Hudson  
Chairman

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Barry T. Smitherman  
Commissioner