

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

In the Matters of)	
)	
Vermont Telephone Company's)	
Petition for Declaratory Ruling)	
Regarding Interconnection Rights)	WC Docket No. 08-56
)	
911 Requirements for IP-Enabled)	WC Docket No. 05-196
Service Providers)	

REPLY COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby responds to the comments of others in the captioned proceeding. Specifically, we offer support for the joint comments of the Texas 9-1-1 Alliance and the Texas Commission on State Emergency Communications (“Texas 9-1-1 Agencies”) and a response to the comments of Skype Communications S.a.r.l. (“Skype”).

The Texas 9-1-1 Agencies noted that there are currently, and will be in the future, numerous services that need to interconnect with today’s wireline E9-1-1 system and a quickly developing IP-based Next Generation 9-1-1 system (“NG9-1-1”).¹ The Texas 9-1-1 agencies appropriately noted that regardless of the regulatory classifications given to services for general regulatory purposes, the Commission should tread carefully to ensure that any such classifications do not unnecessarily impact the provision of effective and competitive next generation 9-1-1 services. In short, the Texas 9-1-1 agencies urged that “any Commission declaratory ruling in this matter should be clear that it must not be interpreted to restrict or undermine what may be the proper classification for promoting the evolution of next generation

¹ See <http://www.nena.org/pages/ContentList.asp?CTID=65> for more information on the NG9-1-1 system

9-1-1 services and the need for interconnection and interoperability for the provision of 9-1-1 and public safety service requirements.”²

NENA supports the comments of the TX 9-1-1 agencies. As NENA recently stated in a policy statement on the proper balance and timing of state and national regulatory and legislative activities during the transition to NG9-1-1:

“NG9-1-1 is not simply an extension of E9-1-1. While a full NG9-1-1 system must support all E9-1-1 functions and features, NG9-1-1 is Internet Protocol (IP) based, and software and database controlled in fundamentally new ways, enabling many new technical and operational capabilities to further enhance the coordination and delivery of emergency services nationwide. During the transition to full NG9-1-1, it is expected that new 9-1-1 service offerings will be provided by incumbent and competitive 9-1-1 System Service Providers (SSPs) that advance beyond current E9-1-1 system capabilities, but simply advancing beyond today’s capabilities should not be equated with providing a full NG9-1-1 system. Such efforts may better be characterized as “pre-NG9-1-1”. These pre and full NG9-1-1 capabilities will necessarily involve new complex technical and business arrangements that current regulations and laws did not fully contemplate. Thus, states are encouraged to actively consider appropriate steps to enable appropriate competition for the delivery of E9-1-1 service that will provide increased opportunities and choices for 9-1-1 governing authorities today. Simultaneously, as such rules are considered, states must ensure that any regulatory actions will effectively enable the transition to a full NG9-1-1 system.”³

The Next Generation 9-1-1 system will be increasingly competitive and will require interconnection among numerous competing providers, both to enable the provisioning of 9-1-1 service by communications service providers for their customers, and also for the provision of the underlying 9-1-1 system itself on behalf of local, regional and state 9-1-1 governing authorities. As compared to the current marketplace where Incumbent Local Exchange Carriers (“ILECs”) are the predominate 9-1-1 System Service Providers, in the NG9-1-1 marketplace it

² TX 9-1-1 Agencies comments at 2.

³ NENA Policy Statement on the Proper Balance and Timing of State and National Regulatory and Legislative Activities During the Transition to NG9-1-1, April 29, 2008. Available at <http://www.nena.org/media/File/NG9-1-1State-Nationalbalancepolicystatement4.29.pdf>.

is anticipated that there will be multiple providers offering a variety of service capabilities and options, thereby providing greater choices for 9-1-1 governing authorities. With increased service offerings comes increased interconnection requirements among competing providers. Therefore, NENA agrees with the TX 9-1-1 Agencies that as the Commission considers the general issue of interconnection rights of IP-enabled service providers, it should be mindful of the potential impact that any such decisions will have on the provisioning of 9-1-1 service, for the current wireline E9-1-1 telephone network and in an IP-based next generation 9-1-1 environment.

In their comments, Skype described their SkypeOut and SkypeIn offerings, indicating that “neither offering alone allows the two-way interconnectivity with the PSTN that is a fundamental attribute of traditional telephony.”⁴ Further, Skype suggested that only those VoIP services that “offer a telephone replacement service should be subject to VoIP regulation under Title II. For Skype, who is not a network operator and does not aspire to offer a replacement for traditional telephone service, it is critical that the Commission continue to act with restraint...”⁵

NENA wishes to reiterate what we stated in our comments in response to the Commission’s NPRM issued as part of the 2005 VoIP E9-1-1 Order:

“NENA believes it is important that all devices or services which can send calls to the PSTN have E9-1-1 obligations, recognizing that, just as with some pay phones and other services, the caller may not be re-contacted in the event communication is interrupted. This limitation demonstrates the importance of location being delivered in case there is no voice contact or the call is terminated before a location can be stated. NENA does not believe E9-1-1 obligations need to be placed on services that enable users to receive calls from the PSTN but does not permit the users make calls terminating to the PSTN.”

In short, we agree with the FCC’s own tentative conclusion that,

⁴ Skype comments at 6.

⁵ Skype comments at 9.

“a provider of a VoIP service offering that permits users generally to receive calls that originate on the PSTN and separately makes available a different offering that permits users generally to terminate calls to the PSTN should be subject to the rules we adopt in today’s Order if a user can combine those separate offerings or can use them simultaneously or in immediate succession.”⁶

Respectfully submitted,

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⁶ *E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245, ¶ 58 (2005).