

Before The  
Federal Communications Commission  
Washington, DC 20554

\_\_\_\_\_  
In the Matter of )  
Implementation of the NET 911 Improvement )  
Act of 2008 )  
\_\_\_\_\_ )

WC Docket No. 08-171

REPLY  
OF  
TELECOMMUNICATION SYSTEMS, INC.

Kim Robert Scovill  
Senior Director Government Affairs  
TeleCommunication Systems, Inc.  
275 West Street – Suite 400  
Annapolis, MD 21401

H. Russell Frisby, Jr.  
Fleischman and Harding LLP  
1255 23<sup>rd</sup> Street, N.W.  
Eighth Floor  
Washington, DC 20037

**REPLY  
OF  
TELECOMMUNICATION SYSTEMS, INC.**

TeleCommunication Systems, Inc. (“TCS”) hereby submits its reply in response to the Notice of Proposed Rulemaking (“NPRM”) released by the Federal Communications Commission (“Commission” or “FCC”) in the above-referenced proceeding.<sup>1</sup> For purposes of brevity, TCS will get straight to the question at hand: should TCS as a VoIP Positioning Center (“VPC”) receive access to pseudo ANI (“p-ANI”) resources without prior certification by a state commission as a competitive local exchange carrier (“CLEC”)?

No comments were made in this docket that argued against this proposition and, in fact, Intrado<sup>2</sup> and AT&T<sup>3</sup> noted the value of VPCs in the E911 process, but did not take a position on whether VPCs should be certified in order to acquire p-ANI. The Texas 9-1-1 Alliance and the Texas Commission on State Emergency Communications (“Texas Agencies”) specifically asked that VPCs should receive p-ANI resources when they stated that, “it is neither technically nor operationally reasonable to allocate individual p-ANI pools for each and every Interconnected VoIP Provider,”<sup>4</sup> but they also did not express a position for or against certification as a prerequisite to acquisition of p-ANI. While many commenters made important arguments for and against keeping or including state governments in the process of managing E911 resources, no comments were made in favor of state certification for VPCs as a precondition to receiving p-ANI.

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<sup>1</sup> *Notice of Proposed Rulemaking In the Matter of the Implementation of the NET 911 Improvement Act of 2008*, WC Docket No. 08-171, (Adopted August 22, 2008 and Released August 25, 2008) (“NPRM”)

<sup>2</sup> *Comments of Intrado Inc. and Intrado Communications Inc.*, Docket No. 08-171 (filed September 9, 2008) at page 4.

<sup>3</sup> *Comments of AT&T Inc.*, Docket No. 08-171 (filed September 9, 2009) at page 5.

<sup>4</sup> *Comments of The Texas 9-1-1 Alliance and the Texas Commission on State Emergency Communications*, Docket No. 08-171 (filed September 9, 2008) at page 2.

Of particular relevance to this issue were the comments of the VON Coalition pointing out how the North American Numbering Counsel, the National Emergency Number Association, the Alliance for Telecommunications Solutions, and the Emergency Services Interconnection Forum have all asked the FCC to provide p-ANI resources to non-carriers.<sup>5</sup> In addition, Vonage detailed the paradox that Commercial Mobile Service providers, who are not CLEC certified, have access to p-ANI resources, but other non-certified entities do not have such access.<sup>6</sup>

Lastly, the meaning of the NET 911 Act of 2008 (also known as H.R. 3403), as evidenced in the Congressional Record,<sup>7</sup> is clear; “The Commission should also reexamine its existing regulations and make any necessary changes to comply with H.R. 3403, which include, but are not limited to, ensuring that VoIP providers that have a duty to provide 911 and E-911 services but are not competitive LECs have direct access to p-ANIs.”<sup>8</sup> That p-ANIs could come from another appropriate source, such as VPCs, was also enumerated.<sup>9</sup> As Commenters, above, have noted, VPCs are a vital part of the VoIP landscape and indispensable to the success of many VoIP providers.

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<sup>5</sup> *Comments of the Voice on the Net Coalition*, Docket No. 08-171 (filed September 9, 2008) at page 9.

<sup>6</sup> *Comments of Vonage Holdings Corporation*, Docket No. 081-171 (filed September 9, 2008) at page 12. Note: TCS is aware that in rare instances a state may require a CMS to register or otherwise submit to minimal regulatory oversight, but in no case is a CMS required to obtain CLEC certification prior to operating.

<sup>7</sup> H.R. Rep. No. 110-442 (2007) (House NET 911 Act Report or House Report)

<sup>8</sup> *Id.* at page 14.

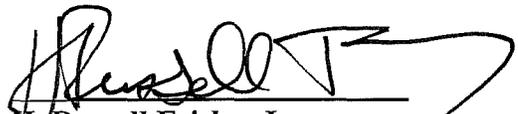
<sup>9</sup> “New subsection 6(b) would give VoIP providers, when they seek access to the capabilities needed to provide 911 and E-911 service from **any entity** (*emphasis added*) with ownership or control over those capabilities . . .” *Id.* at page 13.

## Conclusion

For all the reasons stated in its previously submitted Comments and for the new reasons stated here, TCS respectfully asks the FCC to grant its Waiver Petition because both the FCC's E911 and LNP efforts and the mandates of the NET 911 Act would be frustrated if interconnected nomadic VoIP service providers were not able to provide E911 capability for ported numbers because TCS was unable to obtain ESQKs, and the continued deployment of interconnected VoIP service might be delayed. The facts demonstrate that there is no need to change the current self-administration process because it works seamlessly. Therefore, consistent with the requirements of the NET 911 Act and/or the Commission's own waiver authority, it would be appropriate for the FCC to modify the implementation of or waive the provisions of Section 52.15(g)(2)(i) so that TCS is deemed to be an eligible user of ESQKs in all jurisdictions regardless of certification and is thereby eligible to receive p-ANI resources.

**Kim Robert Scovill**  
**Senior Director Government Affairs**  
**TeleCommunication Systems, Inc.**  
**275 West Street Suite 400**  
**Annapolis, MD 21401**

Respectfully submitted,



**H. Russell Frisby, Jr.**  
**Fleischman and Harding LLP**  
**1255 23<sup>rd</sup> Street, N.W.**  
**Eighth Floor**  
**Washington, DC 20037**

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