

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

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In the Matter of )  
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 ) WC Docket No. 08-171  
Implementation of the NET 911 Improvement Act of 2008 )  
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**REPLY COMMENTS OF INTRADO INC. AND INTRADO COMMUNICATIONS INC.**

Intrado Inc. and Intrado Communications Inc. (collectively, “INTRADO”), by its attorneys, respectfully submits these reply comments to the initial comments filed in response to the Notice of Proposed Rulemaking (“NPRM”) issued by the Federal Communications Commission (“Commission”) in the above-referenced docket.<sup>1</sup> INTRADO supports the initial comments of those who have emphasized that: the list of capabilities adopted by the Commission for IP-enabled service providers must be dynamic to accommodate new and innovative services that will be critical for the migration to a national IP-based 911 network as mandated by the New Emerging Technologies (“NET”) 911 Improvement Act of 2008 (“NET 911 Act”)<sup>2</sup>; regulations should be implemented in a manner that protects the integrity and security of the 911 infrastructure; and the Commission should continue to work with the states to ensure all relevant stakeholders and those best suited to implement and enforce 911-related rules participate. Each of these will enhance the promotion of the main goals of the NET 911 Act.<sup>3</sup>

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<sup>1</sup> *Implementation of the NET 911 Improvement Act of 2008*, WC Docket No. 08-171, Notice of Proposed Rulemaking, FCC 08-195 (rel. Aug. 25, 2008) (“NPRM”).

<sup>2</sup> New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283 (July 23, 2008) (“NET 911 Act”).

<sup>3</sup> NET 911 Act at Preamble; *see also* NPRM ¶ 1.

**I. ANY RULES DEFINING THE “CAPABILITIES” NEEDED TO PROVIDE 911/E911 MUST ACCOMMODATE FUTURE SERVICES AND NETWORKS**

The NET 911 Act requires IP-enabled service providers be given the right to access the “capabilities” needed to provide 911/E911 services on the same rates, terms, and conditions that similar capabilities are provided to commercial mobile radio service (“CMRS”) providers.<sup>4</sup> To help meet the goals of the NET 911 Act for the migration to a national IP-enabled 911 network, the specific capabilities should be capable of evolving over time to accommodate future services that may be offered over an IP-enabled network while meeting high standards for reliability and security. Numerous commenters support the adoption of a “non-exhaustive” list of capabilities to ensure the list adopted by the Commission can be easily and quickly modified.<sup>5</sup>

Regulations that permit new technologies used by consumers to reach 911 first responders should be more about mandating “what” providers of those services must be capable of doing rather than about “how” those providers will satisfy the regulations. A simple rule that all providers must have access to capabilities necessary to allow their end users to complete 911 calls to first responders is a rule that would apply regardless of the technologies used and would naturally evolve with time. As the Texas 9-1-1 Agencies recognize, the deployment of a national IP-based 911 network may raise new capability requirements that will change and evolve over time, and thus any rules adopted by the Commission must have the flexibility to accommodate such modifications.<sup>6</sup> Such a rule would similarly accommodate any differences between the capabilities needed by wireless providers and those needed by IP-enabled service providers.

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<sup>4</sup> NET 911 Act § 101(2).

<sup>5</sup> Comcast at 4; Vonage at 5-6; NENA/APCO at 6.

<sup>6</sup> Comments of Texas 9-1-1 Alliance and Texas Commission on State Emergency Communications at 6 (“Texas 9-1-1 Agencies”).

As INTRADO explained, this list of capabilities should include access to emergency service numbers (“ESNs”) contained in the Master Street Address Guide (“MSAG”)<sup>7</sup> for the reason Vonage indicated: access to ESNs and MSAGs is critical to the provision of 911 calling to end users of IP-enabled service providers.<sup>8</sup> Similarly, as appropriate, IP-enabled service providers should be able to establish dedicated connections to the selective router(s) serving a PSAP.<sup>9</sup> Vonage is correct that CMRS providers have access to selective routers through interconnection agreements, and IP-enabled service providers should be able to establish the same type of access as appropriate.<sup>10</sup> This will ensure IP-enabled service providers receive nondiscriminatory access as required by the NET 911 Act.

**II. THE FIRST PRIORITY FOR ANY RULES DESIGNED TO IMPLEMENT THE NET 911 ACT MUST BE TO MAINTAIN HIGH STANDARDS FOR ACCURACY, RELIABILITY, AND SECURITY**

To achieve the long-term goals of the NET 911 Act, the Commission must adopt rules to ensure the most effective and efficient 911/E911 system is implemented for the benefit of public safety and all consumers. This includes rules both to ensure that public safety entities receive accurate and up-to-date information from all service providers and that the integrity and security of the 911/E911 network is maintained. Many commenters recommended that these important public safety considerations be taken into account when developing rules governing IP-enabled service providers.<sup>11</sup>

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<sup>7</sup> INTRADO at 8-9.

<sup>8</sup> Vonage at 11-12.

<sup>9</sup> INTRADO at 6-8.

<sup>10</sup> Vonage at 14.

<sup>11</sup> NENA/APCO at 14 (urging Commission coordination with the National E91-1 Implementation and Coordination Office).

For example, the Texas 9-1-1 Agencies and Washington State emphasize the importance for service providers to supply accurate location information.<sup>12</sup> Regardless of the type of communications technology or device employed to make a 911 call, public safety agencies must be able to accurately and efficiently locate the caller. While many commenters urge the Commission not to address mobile Voice over Internet Protocol (“VoIP”) issues in this proceeding,<sup>13</sup> the Commission must be mindful of location accuracy requirements when developing rules to ensure all consumers receive reliable 911/E911 services regardless of their communications device or service provider.

In addition, several commenters recognize the importance of supporting network security and reliability as part of the rules adopted in this proceeding. Vonage, for example, notes Congress’ recognition that security of the existing 911 infrastructure should be a critical component of any regulations adopted by the Commission.<sup>14</sup> Likewise, the Texas 9-1-1 Agencies urge the Commission to adhere to industry standards on network security.<sup>15</sup> USTelecom also points out that any access granted to IP-enabled service providers as a result of this proceeding should not undermine existing security measures that limit access to only those for which such access is absolutely necessary.<sup>16</sup> Such security measures should include severe restrictions on the availability of 911 data. The NET 911 Act compels the Commission to consider how its rules may affect such security measures necessary to “improve public safety.”<sup>17</sup>

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<sup>12</sup> Texas 9-1-1 Agencies at 8; Washington State at 4.

<sup>13</sup> See, e.g. AT&T at 7-8; Sprint Nextel at 10-12; VON Coalition at 16-17.

<sup>14</sup> Vonage at Attachment A; see also H.R. Rep. No. 110-442, at 16 (2007) (acknowledging need to protect “the security of the emergency services infrastructure”).

<sup>15</sup> Texas 9-1-1 Agencies at 9.

<sup>16</sup> USTELCOM at 7.

<sup>17</sup> NET 911 Act § 101(2).

### **III. STATES HAVE A CONTINUING, VITAL ROLE IN THE OVERSIGHT OF 911 SERVICES AND ACCESS TO 911 SERVICES**

States have historically played an active role in operating and regulating the provision of 911/E911 services. As partners with carriers in operating systems, public safety agencies are in an excellent position to know and understand what is needed from America's emergency communications. In the capacity of regulators, states have reviewed and well understand the needs of consumers, service providers, first responders, and public safety managers. States' continued oversight is extremely important. In light of this, some commenters encourage the Commission to continue to support the joint participation by the states and the Commission.<sup>18</sup> Accordingly, any rules adopted by the Commission should "appreciate and recognize" the important role states and localities can play in the implementation of the Commission's rules.<sup>19</sup> Intrado encourages the Commission to carefully identify appropriate aspects of 911 regulation for IP-enabled service providers that demand a federal framework and to give guidance to state and local governments that "can work across the several states"<sup>20</sup> and will also preserve the Commission's broader federal purpose for VoIP regulation.

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<sup>18</sup> Texas 9-1-1 Agencies at 9-10; City of Oklahoma City at 11.

<sup>19</sup> NENA/APCO at 10.

<sup>20</sup> 9-1-1 Industry Alliance, *Health of the US 9-1-1 System*, at 19, available at [http://www.911alliance.org/91A\\_Health\\_of\\_US\\_911%202\\_.pdf](http://www.911alliance.org/91A_Health_of_US_911%202_.pdf) ("91A Report")

**CONCLUSION**

Accordingly, INTRADO respectfully requests that the Commission adopt the positions and recommendations set forth herein and in its initial comments.

Respectfully submitted,

**INTRADO INC.  
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