Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
Comment Procedures Established Regarding the Commission's Consultative Role in the Broadband Provisions of the Recovery Act	)	**GN Docket No. 09-40**

COMMENTS OF INTRADO INC. AND INTRADO COMMUNICATIONS INC.

Intrado Inc. and Intrado Communications Inc. (collectively, "Intrado") submit these comments in response to the Notice of Comment Procedures Established Regarding the Commission's Consultative Role in the Broadband Provisions of the Recovery Act ("Notice of Comment Procedures") issued in the above reference docket.[1]

I. INTRODUCTION

In its Notice of Comment Procedures, the Federal Communications Commission ("Commission") announced its intention to provide guidance to the National Telecommunications and Information Administration ("NTIA") with respect to five "terms and concepts" contained in the American Recovery and Reinvestment Act of 2009 ("Recovery Act").[2] Indeed, the Recovery Act Conference Report directs the NTIA to seek the Commission's understanding of the terms "unserved," "underserved," and "broadband."[3] The Recovery Act also requires the NTIA to coordinate with the

[1] Comment Procedures Established Regarding the Commission's Consultative Role in the Broadband Provisions of the Recovery Act, GN 09-40, DA 09-668 (rel. March 24, 2009).

[2] Notice of Comment Procedures, at 1-2.

[3] Conf. Report, 111-16, at 776.

Commission in publishing the non-discrimination and network interconnection obligations that are required as contractual conditions of Broadband Technologies Opportunities Program ("BTOP") grants.[4] To be sure, the Commission has useful experience with these terms as regulator and policymaker. In providing its recommendation, however, Intrado urges the Commission to consider how these terms can best be applied in the context and for the purpose of meeting the underlying goals of the BTOP, in particular, to "improve access to, and use of, broadband service by public safety agencies."[5] Intrado's comments are provided to assist the Commission and NTIA in fulfilling Congress's directives under the Recovery Act.

II. THE TERMS "UNSERVED" and "UNDERSERVED" SHOULD ENCOMPASS THE POPULATION OF PUBLIC SAFETY AGENCIES THAT LACK ACCESS TO BROADBAND

Arguably, if faced with the prospect of having access to YouTube or having access to the best emergency communications service available when a loved one is desperately dialing 911, the choice for Americans would not be difficult. The comparison is not to disparage in any way YouTube or any other wonderful applications that thrive from broadband. But, it makes no sense to spend billions of dollars to give Americans broadband access—which allows them to benefit from commercial applications—yet leaves them unnecessarily exposed to public safety services that are not keeping pace with technology.

Today, for the thousands of public safety agencies that serve those Americans, broadband connectivity is generally unavailable. And not only are Americans deprived of reliable use of new technologies in accessing 911, they are generally unaware of the

[4] American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2002), § 6001(j).

[5] *Id.* § 6001(b)(4).

system's shortcomings. A substantial number of Americans mistakenly believe that the new technologies they continue to enjoy today, e.g., text and video communications, somehow magically integrate into their 911 service.[6] Fortunately, through the New and Emerging Technologies (NET) 911 Improvement Act of 2008, Congress recognized that these dangerous misconceptions have existed far too long and took a big step to ensure that new IP-enabled technologies have reliable access to 911.[7]

America's current 911 system utilizes a "dedicated" network reliant on antiquated components.[8] Providers of telephone (or telephone-like) services that have a regulatory obligation to provide their customers with 911 service have little choice but to use a decades-old 911 system for at least some portion of the service in order to fulfill those obligations, even though that system is severely limited in its capacity to keep up with technological change. Given the growing use of broadband technologies for accessing 911—such as VoIP telephone service and Internet capable wireless phones—broadband connectivity to and among Public Safety Answering Points ("PSAPs") is critical to the future of effective public safety systems in the United States and to meeting the nation's overarching homeland security expectations.[9]

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[6] 2007 Intrado research conducted by Frost & Sullivan.

[7] *See* New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620.

[8] For example, for delivery of "ALI" (automatic location information - used to locate callers), data is still often transmitted using point-to-point analog circuits.

[9] *See* 9-1-1 Industry Alliance, *Health of the US 9-1-1 System*,30-32, *available at* http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf ("9IA Report"); *see also*, CTIA—The Wireless Association, *Wireless Broadband: High Speed Goes Mobile*, (April 2006), *available at http://www.ctia.org/advocacy/position_papers/index.cfm/AID/10298.* ("[B]y June 2005, half of all US wireless customers had phones capable of browsing the Internet and one-third of all US wireless customers were using wireless data applications.").

Despite its current shortcomings, the traditional wireline 911 system has set the bar high for basic emergency communications, and Americans have come to expect—at a minimum—this level of basic service. For example, a traditional wireline 911 call allows PSAPs and first responders to know exactly "which door to kick in to render assistance" because a street address is associated with the caller's phone service. By contrast, the location information transmitted to a PSAP from a wireless caller is typically a latitude/longitude coordinate, usually plotted on a map and in some instances translated to a street address equivalent. With only this limited information, first responders can often be sent to the wrong house or respond to a location on the next block.[10] The emergency communications community still has work to do to correct these "slips" in the high performance standards Americans rely on and to ensure that, as future technologies are introduced to the 911 system, standards are kept high.[11] IP-based solutions that make excellent use of broadband technology are well suited for improving and maintaining reliable emergency caller location information.

Without broadband connections to and among PSAPS, public safety agencies are also severely limited in their ability to respond to emergency calls from new communications technologies, such as text messaging, and to receive life-saving

[10] This says nothing about the fact that the "z" coordinate for vertical location is nowhere on the near-term horizon for implementation.

[11] Absent careful preservation of the high degree of security currently enjoyed in the proprietary closed system, a next-generation 911 system is highly susceptible to cyber attacks which could impair or disable the system. A next generation 911 system that utilizes broadband as one of its central upgrades must not let standards fall just because new technologies are being introduced. And, substituting current analog connectivity with broadband won't be a simple matter of unplugging the old and plugging in the new, but these challenges are readily surmountable by the collaboration of forward-thinking PSAPs and experienced companies, such as Intrado.

information, such as pictures, floor plans, maps, and medical records of the caller.[12] These forms of communications are not luxuries and should be considered critical, fundamental information that public safety emergency response agencies need to do their important work.

Indeed, the future reliability of public safety and homeland security in the United States depends upon a broadband-enabled, IP-based public safety infrastructure that is interoperable, accurate, secure and robust. The urgency for broadband connectivity to public safety agencies increases as broadband is deployed more ubiquitously in our communities through the Recovery Act and other federal deployment initiatives and as new sources and providers of emergency-related data are introduced into an open-architected, IP-based next generation environment. Callers using advanced broadband communications technologies need emergency call takers, dispatchers and response teams with corresponding capabilities.

Therefore, the terms "unserved" and "underserved," should be defined in a way that includes populations, such as PSAPs—including even those located in urban areas across the nation. For the purposes of administering the BTOP, the NTIA should consider not just whether the facilities are physically available through a provider in a geographic area but whether other impediments, such as financial considerations, impede adoption by a population. This approach is consistent with the Recovery Act's goal to have an impact across many demographics. The Conferencees made clear their intent

[12] *See* 9IA Report, *supra*, at 30-32; s*ee also* Linda K. Moore, Congressional Research Service, *Emergency Communications: the Future of 911*, 11-12 (January 13, 2009), *available at http://opencrs.com/document/RL34755.*

that "the NTIA award grants serving all parts of the country, including rural, suburban, and urban areas."[13]

As a whole, the nation's PSAPs and public safety networks are unserved in that they are reliant on outdated architecture and protocols. Those that are arguably served are underserved. The high capital cost to upgrade the emergency call path to allow life-saving, data-rich communications deters deployment, even in urban areas. State and local funding mechanisms designed to pay for public emergency communications systems on an ongoing basis have only recently begun to address the gap between traditional support mechanisms for outdated analog systems and the level of support needed for advanced communications technologies. While they are addressing the need to be self-funded once a next generation 911 communications and network infrastructure is in place, state and local governments simply cannot be expected to fund the cost of the transition. Given these funding limitations, grants such as the BTOP are critical to supporting the initial upfront cost of achieving advanced IP-enabled 911 systems.[14]

III. THE TERM "BROADBAND" SHOULD NOT BE LIMITED BY SPEED REQUIREMENTS

The Commission has equated the term "broadband" with specific upstream and downstream transmission speeds.[15] However, threshold speed requirements should not be included within the meaning of "broadband" as it is applied in the Recovery Act. While the House Bill initially contained threshold speeds required for BTOP grants, the

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[13] Conf. Rep. 111-16, 774.

[14] *See Emergency Communications: the Future of 911, supra, at* 10 ("Through grant programs, the federal government can both encourage and guide the funding of 911 system improvements without diminishing state or local decision making and authority.")

[15] *See Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion,* CC Docket No. 98-146, Report, 2398, 2406, para. 20 (1999).

provisions were eliminated from the Recovery Act through conference agreement.[16] The Conferencees were rightfully concerned that setting a specific threshold speed "could have the unintended result of thwarting broadband deployment in certain areas."[17] Rather, the Conference Report directs the NTIA "to seek to fund, to the extent practicable, projects that provide the highest possible, next-generation broadband speeds to consumers."[18] Accordingly, funded projects should provide the highest speeds possible, commensurate with the users need. The merits of each award should be evaluated on the efficacy of the broadband deployed in the unique circumstances.

IV. GRANT NON-DISCRIMINATION AND NETWORK INTERCONNECTON OBLIGATIONS SHOULD BE THOSE SET FORTH IN THE TELECOMMUNICATIONS OF 1996

Next generation IP 911 networks must handle numerous 911 call types, regardless of technology: wireline, wireless, Internet or other emerging forms of communications, including convergence of several technologies. These networks will provide access to voice as well as data—or even streaming video. Intrado has developed the infrastructure and technology to provide the necessary connectivity between the traditional access network's customer who initiates an emergency 911 call and the PSAP receiving the call and beyond,[19] including interoperability between and among the PSAPs for emergency call transfer.

Deployment of innovative and competitive solutions require interconnection among carriers, including interconnection with the public switched telephone network

[16] Conf. Report, at 774.

[17] *Id.* at 775.

[18] *Id.*

[19] Next Generation 911 call continuum for first responders and an extended community, e.g., hospitals and poison centers.

(PSTN) and proprietary 911 facilities of incumbent providers. In order to achieve modernization of public safety communications, Intrado urges the NTIA to embrace public policy and existing federal laws and rules applicable to interconnection as a condition of BTOP grants. All recipients must be held to technology neutral interconnection policies and be required to commit to allow efficient, open, and non-discriminatory interconnection.

V. CONCLUSION

For the foregoing reasons, Intrado urges the Commission to adopt the recommendations set forth herein.

Respectfully submitted,

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