Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Petition of Intrado Communications of Virginia for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934 to Establish an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc.	)	**WC Docket No. 08-185**
	)	
Petition of Intrado Communications of Virginia For Arbitration Pursuant to Section 252(b) of the Communication Act of 1934 to Establish an Interconnection Agreement with Central Telephone Company of Virginia and United Telephone—Southwest, Inc. (Collectively, "Embarq")	)	**WC Docket No. 08-33**

JOINT COMMENTS OF THE TEXAS COMMISSION ON STATE EMERGENCY COMMUNICATIONS, THE TEXAS 9-1-1 ALLIANCE, THE TEXAS MUNICIPAL EMERGENCY COMMUNICATION DISTRICTS ASSOCIATION, THE NATIONAL EMERGENCY NUMBER ASSOCIATION, AND THE ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC.

July 6, 2009

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The Texas Commission on State Emergency Communications,[1] the Texas 9-1-1 Alliance,[2] the Texas Municipal Emergency Communication Districts Association,[3] (collectively referred to as the "Texas 9-1-1 Entities"), the National Emergency Number Association

[1] The Texas Commission on State Emergency Communications ("CSEC") is a state agency created pursuant to Texas Health and Safety Code Ann. Chapter 771, and is the state authority on emergency communications. CSEC oversees the implementation of 9-1-1 service provided by Texas' 24 Councils of Government, which serve approximately two-thirds of the geographic area of Texas and one-third of its population.

[2] The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

[3] The Texas Municipal Emergency Communication Districts Association is an association of 27 emergency agency communication districts as defined in Texas Health and Safety Code Chapter 771.

("NENA"),[4] and the Association of Public-Safety Communications Officials International, Inc. ("APCO")[5] (the Texas 9-1-1 Entities, NENA and APCO collectively referred to herein as the "Joint Public Safety 9-1-1 Entities") respectfully submit these joint initial comments in response to the Federal Communications Commission's ("FCC's") Public Notice seeking comment on the competitive provision of 9-1-1 network services presented by the above-referenced consolidated arbitration proceedings in Virginia.[6]

I.

Summary of Comments

While it is recognized that seeking comments on a broad policy issue in the context of an arbitration proceeding is an unusual step, the Joint Public Safety 9-1-1 Entities appreciate the FCC's leadership in seeking comment on the competitive provision of 9-1-1 network services. The Commission has an opportunity to use this proceeding as a foundation to provide needed guidance and certainty in an increasingly complex and uncertain regulatory environment. The ongoing modernization of current 9-1-1 networks toward Internet Protocol-enabled ("IP-enabled") 9-1-1 and Next Generation 9-1-1 ("NG9-1-1") systems[7] is necessary to keep up with increasing consumer expectations and new communications technologies.[8]

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[4] NENA is The Voice of 9-1-1.™ NENA promotes implementation and awareness of 9-1-1 as North America's universal emergency number and is the leading professional non-profit organization dedicated solely to 9-1-1 emergency communications issues. NENA serves its nearly 7,000 members in 48 chapters across the U.S., Canada and Mexico through policy advocacy, establishment of technical and operational standards, Next Generation 9-1-1 development, certification programs and a broad spectrum of educational offerings. More information about NENA is available at www.nena.org.

[5] APCO is the nation's oldest and largest public safety communications organization. Founded in 1935, APCO has nearly 16,000 members, most of whom are state or local government employees who design, manage, and operate public safety communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies.

[6] WC Docket Nos. 08-33 and 08-185, "Comment Sought on Competitive Provision of 911 Service Presented by Consolidated Arbitration Proceedings," DA 09-1262 (June 4, 2009).

[7] References to "IP-based" or "IP-enabled" 9-1-1/E9-1-1 systems refer to enhancements to current 9-1-1/E9-1-1 systems using Internet Protocol (IP) technology. References to NG9-1-1 refer to a system that replaces the current

The current disputes seen in these Virginia consolidated arbitration proceedings and the arbitration proceedings elsewhere associated with the issue of competition for 9-1-1 network services are likely just the beginning of numerous similar disputes and raise multiple issues impacted by federal statutes and regulations. Consistent with the strong cooperative federal and state approach to 9-1-1 in the New and Emerging Technologies Improvement Act of 2008 ("NET 911 Act") and other federal statutes, the FCC should provide support to state efforts to avoid unnecessarily continuing multiple case-by-case lengthy disputes that are each largely based on an interpretation of federal statutes and regulations. Providing such guidance will help avoid a further delay in the availability of new IP-based E9-1-1 deployments and enable effective competition in the provision of current and future IP-based E9-1-1 and Next Generation 9-1-1 networks and systems.

The FCC's role in providing a forum for all stakeholders to participate is particularly important because public safety entities are generally not parties in these arbitration proceedings – even though 9-1-1 is an important public interest priority for the FCC and state public utilities commissions ("PUCs"). We are now at a critical watershed point for the FCC to assist the states and public safety entities in addressing federal statutory and regulatory issues in a consistent manner. To support state 9-1-1 and public safety entity efforts and protect them from unreasonable delays, a critically necessary component of the solution is for the FCC to

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E9-1-1 system that is comprised of new hardware, software, data and operational policies and procedures enabling the receipt of 9-1-1 calls and messages and the sharing of such calls and messages with other authorized entities. A definition of NG9-1-1 is available at http://www.nena.org/sites/default/files/NG9-1-1%20Definition%20Final%201.1.pdf.

[8] *See generally,* "A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System: Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1," NENA NG Partner Program, September 2008, available at http://www.nena.org/ng-partner-program/NG911-Transition-Policy-Maker-Blueprint.

expeditiously put out for comment and adopt a comprehensive "local competition"[9] type order on 9-1-1 network services and IP-enabled 9-1-1 and NG9-1-1 systems. Such an order should address the many issues that must be resolved to enable the transition to a competitive IP-based E9-1-1 environment and full NG9-1-1 systems, including specific federal 9-1-1 statutes and regulations to ensure a consistent regulatory framework. We respectfully urge the FCC to promptly initiate a "local competition" type proceeding on 9-1-1 network services and IP-enabled 9-1-1 and NG9-1-1 systems.[10]

II.

Comments

Any rulings on the issue of competitive 9-1-1 networks in these consolidated arbitration proceedings should not prejudice public safety entities. Expedited FCC consideration of a comprehensive "local competition" type proceeding to further address the proper cooperative federalism framework for competitive 9-1-1 network and IP-enabled 9-1-1 and NG9-1-1 system issues is warranted.

1. All 9-1-1 network providers must have special and clearly defined responsibilities and obligations to a broad range of providers and entities, including the public interest responsibilities of the FCC and state PUCs.

The Joint Public Safety 9-1-1 Entities strongly encourage the adoption of policies and regulations that result in increased competition and choices for 9-1-1 authorities. The adoption of such policies and regulations must be done in a coordinated manner based on input from all relevant stakeholders to ensure a consistent and equitable system across the country. Federal and state laws and regulations, as well as economic and public safety necessity, require many types of providers and entities to appropriately interface and interoperate with the 9-1-1 system. These

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[9] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15509 (1996).

[10] We understand that the parties to this particular Virginia arbitration may wish to separate such a comprehensive rulemaking from their individual litigation.

entities include, but are not limited to, Incumbent Local Exchange Companies ("ILECs"),[11] Competitive Local Exchange Carriers ("CLECs"),[12] Wireless Service Providers ("WSPs"),[13] Interconnected Voice over Internet Protocol Providers ("VSPs"),[14] Private Switch Providers ("PSPs"),[15] Telematics Service Providers ("TSPs"),[16] Video Relay and Internet Protocol Relay Providers,[17] and Telecommunications Relay Providers.[18] The 9-1-1 network is unique and has special public safety access and operational responsibilities and obligations to enable effective and secure 9-1-1 emergency communications and satisfy public interest obligations of many parties and entities – including FCC and state PUC public interest and fair competition concerns. While the majority of 9-1-1 calls are wireless 9-1-1 calls within the jurisdiction of the FCC, the operation and regulation of the 9-1-1 system is at its core a state, regional and local government public safety responsibility. Appropriate federal, state, regional and local government cooperation is essential.

As a matter of public safety and public interest and a basic principle of fair competition, the special operational responsibilities of a provider of any kind of 9-1-1 network, whether it be part of a legacy E9-1-1 or NG9-1-1 system, or a transitional intermediate stage, must be subject to appropriate federal,[19] state, or dual regulatory oversight. The FCC has express statutory

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[11] *See, e.g.,* 47 U.S.C. §§ 253(b), 271(c)(2)(B)(vii)(I), 615; 47 C.F.R. §§ 12.3, 64.3001, 64.3002.
[12] *Id.*
[13] *Id* .at 47 U.S.C. § 615; 47 C.F.R. §§ 20.18, 12.3, 64.3001, 64.3002.
[14] *Id.* at 47 U.S.C. § 615(b)(6); 47 C.F.R. §§ 9.5, 12.3, 64.3001, 64.3002.
[15] 47 U.S.C. § 615(a); *see also* Texas Health and Safety Code Ann. Sections 771.060, 772.118(b), 772.218(b), 772.318(b).
[16] 47 U.S.C. § 615(a).
[17] 47 C.F.R. § 64.605.
[18] 47 C.F.R. § 64.604.
[19] *Cf.*, 47 U.S.C. § 251(h)(2) ["(2) Treatment of comparable carriers as incumbents. The Commission may, by rule, provide for the treatment of a local exchange carrier (or class or category thereof) as an incumbent local exchange carrier for purposes of this section if – (A) such carrier occupies a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in paragraph (1); (B) such

mandates to ensure compliance with special federal responsibilities or to delegate those responsibilities to authorized state entities.[20] Examples of such special responsibilities include, but are not limited to, reasonable terms for interconnection and seamlessly accommodating **all** of the many different types of 9-1-1 **providers and technologies authorized by public safety governing authorities**[21] that need or desire access to the 9-1-1 system, responsive troubleshooting, documentation and record keeping, provider of last resort obligations, disaster recovery, and security. Such responsibilities must be minimum core requirements whether the 9-1-1 service is to be strictly rate-regulated under state or federal laws (as was done in the past); whether the service is to be competitive under state or federal laws (as is now being done or proposed); whether an interconnection agreement or a commercial agreement is used to memorialize 9-1-1 network deployments (as is the subject of some current state PUC proceedings); whether provided by state or regional governmental entities or subcontracted to commercial IP enterprise companies (as is proposed in NG9-1-1 system transition documents); or whether an ILEC makes a decision to do a system-wide technology upgrade from a current legacy 9-1-1 network to a newer IP-enabled 9-1-1 network.

While state laws and requirements associated with 9-1-1 are to be supported and respected, this does not mean that state, regional, and local governments responsible for 9-1-1 public safety would not benefit greatly by the FCC expeditiously putting out for comment and adopting a comprehensive "local competition" type order on 9-1-1 network services and IP-

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carrier has substantially replaced an incumbent local exchange carrier described in paragraph (1); and (C) such treatment is consistent with the public interest, convenience, and necessity and the purposes of this section."].

[20] *See* 47 U.S.C. § 615a-1, NET 911 Act 6(d), Delegation of Enforcement to State Commissions.

[21] *Cf.*, 47 U.S.C. § 615a, NET 911 Act (b)(9)(B), Other Emergency Communications Service Provider means "in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and **is specifically authorized by the appropriate local or State 9-1-1 service governing authority** to provide other emergency communications services." (emphasis added).

enabled 9-1-1 and NG9-1-1 systems.[22] In addition to the current competition for traditional legacy 9-1-1 networks, the ongoing migration to IP-enabled 9-1-1 and NG9-1-1 systems raises additional new issues (or new twists to old issues) for FCC consideration, guidance, and resolution, or the need for clarification on areas of cooperation between federal and state regulators.

In its April 29, 2008 policy statement, NENA explained what we are currently facing and will be increasingly facing in the future:

> 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.[23]

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[22] Similarly, in response to the FCC's National Broadband Plan Notice of Inquiry (GN Docket No. 09-51), NENA recently recommended the establishment of a stand-alone docket to consolidate all issues related to the transition to NG9-1-1. See NENA June 8, 2009 comments at pp. 9-10. The issues discussed as examples for inclusion in such an NG9-1-1 Docket could also be included in a "local competition" 9-1-1 Order. Issues raised included, but were not limited to:

- An examination of current Federal and state statutes, regulations and rules that may be in conflict with the vision of NG9-1-1 and emergency communications
- The establishment of statewide or regional emergency services IP networks (ESInets) and a national internetwork connecting the multitude of federal, state and regional IP networks
- Automatic location of 9-1-1 calls and other forms of information to be routed to PSAPs and shared with other emergency response organizations over IP broadband networks
- Identification of devices and services expected to provide 9-1-1 connectivity when NG9-1-1 systems are implemented and on what terms
- System reliability and redundancy requirements
- Security
- Federated access control, identity management and data rights management issues
- Funding and cost recovery issues
- Jurisdictional issues
- Confidentiality and liability concerns in an NG9-1-1 environment
- Standards
- Interconnection issues for new and legacy 9-1-1 systems during the transition to NG9-1-1.

[23] NENA Policy Statement on the Proper Balance and Timing of State and National Regulatory and Legislative Activities During the Transition to NG9-1-1 (Apr. 29, 2008). The NENA Policy Statement is available at http://www.nena.org/sites/default/files/NG9-1-1State-Nationalbalancepolicystatement_20080429.pdf.

NENA also advised as follows:

> In sum, the evolution to an NG9-1-1 system should be treated as a national project in which individual state action is necessary, but must be appropriately coordinated with other state and national activities.[24]

Since the release of NENA's policy statement, it has become glaringly apparent to the Joint Public Safety 9-1-1 Entities that the current case-by-case, company-by-company, or PUC-by-PUC approach for considering these important 9-1-1 issues is ineffective, creates greater uncertainty, and drains resources with little apparent progress in furthering the deployment of IP-enabled 9-1-1 and NG9-1-1 systems.

In the NET 911 Act, Congress made clear that the federal interest in access to the 9-1-1 network applies not only to access for a legacy 9-1-1 network but also to access for a successor IP-enabled 9-1-1 network and NG9-1-1 system technologies:

> ENHANCED 9–1–1 SERVICE.—The term 'enhanced 9–1–1 service' means the delivery of 9–1–1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over **the wireline E911 network** (as defined in section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) **and equivalent or successor networks and technologies**.[25]

The NET 911 Act also affirmed the cooperative federal and state approach to 9-1-1 network access issues:

> The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local

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[24] *See also*, "Addressing Transitional Regulation/Legislation/Tariff Modifications to Enable Next Generation 9-1-1 Deployment" from the Next Generation Partner Program available at: http://www.nena.org/sites/default/files/NG9-1-1PolicyMakerBlueprintTransitionGuide-Final_0.pdf ("State legislatures and regulatory bodies, as well as the FCC and Congress, are encouraged to take appropriate steps to enable 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.").

[25] 47 U.S.C. § 615a, NET 911 Act (b)(10) (emphasis added).

agencies with jurisdiction over emergency communications, **provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements**.[26]

The NET 911 Act further supports the responsibility and need for the FCC to take such action by working cooperatively with states via such a new "local competition" order type rulemaking – separate and apart from the context of these consolidated arbitration proceedings. The FCC and the states need to work cooperatively in a comprehensive manner on these issues to achieve and further the needs of the public seeking 9-1-1 emergency assistance.

2. FCC rulings in the consolidated arbitration proceedings associated with competitive 9-1-1 network issues must not prejudice the interests of public safety entities.

The special responsibilities that must be required of the 9-1-1 network provider to achieve FCC mandates and responsibilities (including those pursuant to the NET 911 Act) also counsel against authoritatively establishing major 9-1-1 network policy precedents in an arbitration proceeding or commercial agreement between two parties. The inherent nature of such proceedings or agreements provides insufficient representation of public safety entity interests on all potential 9-1-1 issues. The FCC public notice in these consolidated arbitration proceedings expressly prohibits commenting on all other issues in dispute that may be of interest to public safety entities or that may impact 9-1-1 systems:

> **We find good cause to waive section 51.807(g) for this arbitration proceeding for the limited purpose of seeking comment on the competitive provision of the 911 network to PSAPs and other public safety agencies. ....We emphasize, however, that this waiver is limited to the instant proceeding and solely for the purpose of seeking comment on the specific issue of competition in the provision of the 911 network. All other issues raised by the arbitration of the interconnection agreements before the Commission remain subject to section 51.807(g).**

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[26] *Cf.*, 47 U.S.C. § 615a-1, NET 911 Act 6(d), Delegation of Enforcement to State Commissions.

Given the limited waiver, we do not now offer substantive comments on other individual issues that may be of interest to public safety entities. Therefore, we respectfully reserve our rights on such other issues.

We also respectfully urge any rulings on other specific 9-1-1 issues not addressed in this proceeding to not be interpreted by the FCC or state PUCs in any manner that prejudices the interests of public safety entities. Parties to some of the other state arbitration proceedings on the provision of competitive 9-1-1 networks have recognized the unreasonableness of seeking to prejudice the rights of public safety entities in arbitration proceeding rulings. As the Florida Public Service Commission explained:

> We find that this Commission is not the only agency or entity with an interest in monitoring of 911/E911 service. Intrado Comm witness Melcher acknowledges that 911/E911 service impacts many entities, stating that "[p]ublic safety deserves state of the art solutions and they should be able to pick and choose providers that offer products and services that best fit the needs and the budgets of those public safety communications professionals." At the hearing in Docket No. 070699-TP, this witness stated that:
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> > Public safety is the customer. It's the public safety leaders that should be involved in the decision-making process. And what is so sad to me is that as these kinds of hearings are going on around the country today, the person not sitting at the table that needs to be represented is the public safety leader. They have to be provided choices, they have to be given options that they've not been given in the past.
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> AT&T witness Pellerin also acknowledged the multi-faceted nature of 911/E911 service, stating that:
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> > [i]t is essential that the requesting PSAPs participate in negotiating an arrangement that meets their specific and unique needs; otherwise, 911 call transfers may not work the way they intended or expected, possibly resulting in loss of life. . . . It's important that the PSAPs have a bona fide need to transfer calls between them and that their need is met by including them in the arrangement to provide that service, and that is not in a two-party Section 251(c) interconnection agreement between an ILEC such as AT&T and a CLEC such as Intrado [Comm].[27]

[27] *In re: Petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with BellSouth Telecommunications, Inc. d/b/a AT&T Florida, pursuant*

The concern of any FCC rulings potentially prejudicing the rights of public safety entities is especially acute for Texas 9-1-1 Entities, who recently filed statement-of-position comments in two pending Texas arbitration proceedings.[28] Of foremost concern to the Texas 9-1-1 Entities in their Texas PUC filing was to direct the Texas Arbitrators to current Texas statutes, rules and regulations governing the provision of 9-1-1 network services and to ensure that any decisions respect and are consistent with such statutes, rulings, and regulations. The Texas PUC has ruled at least once on competition for 9-1-1 network services in Texas,[29] and the Texas PUC has also adopted rules that further accommodate competition for 9-1-1 network services.[30]

Any FCC rulings on issues that might impact public safety entities in Texas (or in other states) should not occur in these consolidated arbitration proceedings for Virginia. Instead, any such rulings should be considered in a broader proceeding where the FCC expeditiously puts out

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to Section 252(b) of the Communications Act of 1934, as amended, and Sections 120.80(13), 120.57(1), 364.15, 364.16, 364.161, and 364.162, F.S., and Rule 28-106.201, F.A.C., Order No. PSC-08-0798-FOF-TP, Docket No. 070736-TP, at p. 8.

[28] Verizon has already included the Texas 9-1-1 Entities filed statement of position comments in the Texas proceedings in the record in these consolidated arbitration proceedings. *See* Verizon Response to Intrado Petition for Arbitration, Jan. 9, 2009, Attachment 4, at p. 40.

[29] *Petition of the Advisory Commission on State Emergency Communications for Declaratory Rulings Against GTE Southwest, Inc.*, Docket No. 17972 (Feb. 6, 1998). The Declaratory Order provides, in relevant part:

> In accordance with these findings of fact and conclusions of law, and consistent with the stipulation of the parties, the Commission issues the following declaratory rulings:
> 1. PURA, GTE's 9-1-1 tariffs, and P.U.C. SUBST. R. 23.97(e)(1)(B) do not require that a 9-1-1 entity choose GTE as the appropriate CTU to provide facilities-based E9-1-1 tandem and/or database services.
> 2. Pursuant to the Texas Health and Safety Code and GTE's 9-1-1 tariffs, "selective routing" is a feature provided with computerized 9-1-1 service by which 9-1-1 calls are automatically routed to the PSAP serving the place from which the call originates.
> 3. PURA, GTE's 9-1-1 tariffs, and P.U.C. SUBST. R. 23.97(e)(1)(B)(i)(IV) do not authorize GTE to require a 9-1-1 customer to take and to pay for unnecessary 9-1-1 trunks and for unwanted and unneeded routing service from an end office to an E9-1-1 tandem.
> The Commission further orders that:
> 4. GTE, within 45 days of a future written request by Panhandle RPC, shall comply with the request and route its end office to the SWBT E9-1-1 tandem in Amarillo. Additional implementation time may be afforded only by the joint written agreement of ACSEC and Commission Staff.

[30] P.U.C. SUBST. R. 26.433(b)(5) ("The CTU designated by the 9-1-1 administrative entity to provide 9-1-1 network services.") and P.U.C. SUBST. R. 26.433(b)(3) ("Services purchased by the 9-1-1 administrative entity(ies) that routes 9-1-1 calls from a 9-1-1 tandem or its equivalent to a public safety answering point.").

a comprehensive "local competition" type order on 9-1-1 network services and IP-enabled 9-1-1 and NG9-1-1 systems.

3. Present and impending circumstances associated with competitive 9-1-1 network services and migration to IP 9-1-1 and NG9-1-1 systems demonstrates that an expedited FCC "local competition" type proceeding for such systems is warranted.

In addition to these consolidated arbitration proceedings for Virginia, the two Texas arbitration proceedings and the Florida arbitration proceeding discussed earlier, similar arbitration proceedings are occurring, or have occurred in, Illinois,[31] Massachusetts,[32] and Ohio.[33] There is also a currently ongoing state statute proceeding related to the 9-1-1 network before the Indiana Utility Regulatory Commission.[34]

At the federal level, the U.S. Department of Transportation has been progressing with its NG9-1-1 Initiative. A March 5, 2009, report explains:

> The U.S. Department of Transportation (USDOT) has taken a leadership position in assessing Next Generation 9-1-1 (NG9-1-1) technologies and the development of a framework for national deployment. USDOT understands that access to emergency services provided by 9-1-1 in today's world of evolving technology will ultimately occur within a broader array of interconnected networks comprehensively supporting emergency services for the public. USDOT established a research program, the NG9-1-1 Initiative, to—
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> - Promote the vision for the NG9-1-1 system
> - Provide leadership, guidance, and resources to work with public and private 9-1-1 stakeholders

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[31] *Intrado Inc., Petition for Arbitration pursuant to Section 252(b) of the Communications Act of 1934, as amended, to establish an Interconnection Agreement with Verizon North, Inc. and Verizon South, Inc.*, Docket No. 08-0550.

[32] *In the Matter of the Petition of Intrado Communications Inc., for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as Amended to Establish an Interconnection Agreement with Verizon New England Inc. d/b/a Verizon Massachusetts*, Docket No. D.T.C. 08-9.

[33] *In the Matter of the Petition of Intrado Communications Inc. for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934 as amended, to Establish an Interconnection Agreement with the Ohio Bell Telephone Company dba AT&T Ohio*, Case No. 07-1280-TP-ARB.

[34] *In the Matter of Joint Complaint of Communications Venture Corporation D/B/A Indigital Telecom; the Indiana Wireless Enhanced 9-1-1 Advisory Board, et al against Indiana Bell Telephone Company, Inc. D/B/A AT&T Indiana, concerning connection of wireless enhanced 9-1-1 circuits and related services to facilities located at Public Safety Answering Points ...*, Cause No. 43499.

- Develop a path forward with the goal of migrating to a nationally interoperable emergency services network using a phased approach. (The emergency services internetwork will be "interoperable" in that the networks and systems that compose the NG9-1-1 architecture system of systems will have the ability to work together using standard formats and protocols.)

  The decision to deploy a new, Internet Protocol (IP)-based NG9-1-1 system is not a simple one and is affected by many complex factors related to institutional and service arrangements, equipment and infrastructure, and funding.[35]

Related state planning efforts for IP-enabled 9-1-1 and NG9-1-1 systems have been continuing as well. For example, the Texas CSEC is holding a workshop on July 21, 2009, on the Texas Next Generation Migration Path. The public notice explains:

> The primary purpose of the workshop is to present the Texas Next Generation 9-1-1 (NG9-1-1) Migration Path and to seek input from 9-1-1 vendors, other interested parties, and the public. The Migration Path will be the foundation of the CSEC's application for federal E9-1-1 grant funds. The Migration Path will be incorporated into the CSEC NG9-1-1 Master Plan, version 2.0. Upon CSEC board authorization at its meeting on July 14, 2009, the plan will be made available on the CSEC website.[36]

There can be little doubt that public safety entities have begun and are actively working on advancing IP-enabled 9-1-1 and NG9-1-1 system migration. As this transition occurs, the concept of a "9-1-1 network" going forward is misleading in that (1) IP-enabled 9-1-1 and NG9-1-1 systems are more properly considered as "9-1-1 systems," rather than networks, and (2) 9-1-1 will increasingly be one application on shared emergency services IP networks ("ESInets") as opposed to single-purpose 9-1-1 networks.[37] In the prior legacy 9-1-1 operating environment, the traditionally understood "9-1-1 network," "9-1-1 database," and "9-1-1 Customer Premises Equipment" ("9-1-1 CPE") could more clearly be conceptualized into these three distinct

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[35] Next Generation 9-1-1 System Initiative - Final Cost, Value & Risk Analysis Executive Summary, available at http://www.its.dot.gov/ng911/ng911_pubs.htm.

[36] Available at www.911.state.tx.us.

[37] To enable the transition to NG9-1-1, all emergency response agencies need to be connected to ESInets. ESInets are engineered, managed networks, and are intended to be multi-purpose, supporting extended public safety communications services, in addition to 9-1-1. ESInets use broadband, packet switched technology capable of carrying voice plus large amounts of varying types of data using Internet Protocols and standards. ESInets will operate on a mix of commercial and government-owned network infrastructure.

components. However, in IP-enabled 9-1-1 and NG9-1-1 systems, the core operating system and intelligence of the 9-1-1 CPE functionality may be in a hosted location within what might have been thought of in the past as the 9-1-1 network. The legacy 9-1-1 databases migrate away as providers send such information as part of the emergency request for assistance via what might have been thought of in the past as the 9-1-1 network. And the emergency request itself could be a text message delivered without traditional voice functionality. Traditional FCC regulatory rulings and definitions (as well as potentially state requirements) related to the legacy 9-1-1 network, the 9-1-1 database, and 9-1-1 CPE may now be subject to new twists and issues brought on by the present and impending further IP-enabled 9-1-1 and NG9-1-1 system evolutionary changes.

Efforts toward IP-enabled 9-1-1 and NG9-1-1 systems are moving forward on many levels in many state and national forums to meet the public's current and future emergency communications expectations. The recent disputes seen in these Virginia consolidated arbitration proceedings and the arbitration proceedings elsewhere are likely just the beginning of numerous similar disputes based largely on federal statutes and FCC regulatory requirements. We are at a critical point, and it is incumbent upon the FCC to do its part to assist the states and public safety entities in addressing these issues to establish a clearly understood regulatory framework. For all the forgoing reasons, we respectfully urge the FCC to promptly initiate a "local competition" type proceeding on 9-1-1 network services and IP-enabled 9-1-1 and NG9-1-1 systems.

II.
Conclusion

The Joint Public Safety 9-1-1 Entities appreciate the opportunity to submit these initial comments and respectfully urge the FCC to initiate a "local competition" type proceeding on 9-1-1 network services and IP-enabled 9-1-1 and NG9-1-1 systems consistent with these comments.

Respectfully submitted,

Michael J. Tomsu
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

On behalf of the Texas 9-1-1 Alliance

Melissa Tutton by my permission
President

On behalf of the Texas Municipal Emergency Communication Districts Association

Patrick Halley by my permission
Patrick Halley
Government Affair Director
Nation Emergency Number Association
4350 North Fairfax Dr., Suite 750
Arlington, VA 22203
703-812-4600
703-812-4675 (fax)

On the comments:
Richard A. Muscat
Bexar Metro 9-1-1 Network District

Patrick Tyler by my permission
Patrick Tyler
General Counsel
Commission on State Emergency Communications
333 Guadalupe Street, Suite 2-212
Austin, Texas 78701-3942
512-305-6915
512-305-6937 (fax)
Patrick.tyler@csec.state.tx.us

On behalf of the Texas Commission on State Emergency Communications

Robert M. Gurss by my permission
Association of Public-Safety Communications Officials International
Robert M. Gurss
Director, Legal & Government Affairs
(571) 312-4400, Ext. 7008
gurssr@apcomail.org

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