

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054**

**Re:**

<b>COMPETITIVE PROVISION OF 911</b>	)	
<b>SERVICE PRESENTED BY</b>	)	<b>WC Docket No. 08-35</b>
<b>CONSOLIDATED ARBITRATION</b>	)	<b>WC Docket No. 08-185</b>
<b>PROCEEDINGS</b>	)	

**REPLY COMMENTS OF THE  
INDEPENDENT TELEPHONE & TELECOMMUNICATIONS ALLIANCE**

To the Commission:

The Independent Telephone & Telecommunications Alliance (ITTA) hereby submits these reply comments in the above-captioned proceedings. ITTA is an alliance of mid-size telephone companies that collectively serve approximately 30 million access lines in 44 states, offering subscribers a broad range of high-quality wireline and wireless voice, data, Internet, and video services. The Commission has sought comment on competitive 911, identifying it as a policy issue that arose within the context of consolidated interconnection proceedings between Intrado Communications of Virginia, Inc. (Intrado) and Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (collectively, Embarq n/k/a CenturyLink) and Verizon South, Inc. and Verizon Virginia, Inc. (collectively, Verizon).<sup>1</sup> In initial comments, ITTA stated that the instant arbitration proceedings are not the proper forum for a general examination of competitive 911 services. ITTA stated that the issues to be addressed, including the impact of

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<sup>1</sup> “Comment Sought on Competitive Provision of 911 Service Presented by Consolidated Arbitration Proceedings,” Public Notice DA 09-1262, WC Docket Nos. 08-35, 08-185 (Jun. 4, 2009) (Public Notice).

local 911 governance and technological and network issues, are beyond the borders of interconnection arbitration proceedings. The comments of the parties support this approach. Accordingly, ITTA urges the Commission to adjudicate the interconnection arbitrations on the basis of controlling precedent relevant to 251(c)(2) interconnection, and defer to a more general proceeding the wealth of issues associated with competitive 911.

Emergency services will evolve as network technologies develop. Parties submitting comments in the initial round described many complex issues the Commission must consider when determining the nature, potential impact, and suitability of competitive 911. The Washington State Enhanced 911 Program (WA-911) described the need to consider “Internet Protocol based Next Generation 9-1-1,” and a potential impact that is “sufficient to warrant a far larger discussion by the Commission.”<sup>2</sup> The Michigan Internet & Telecommunications Alliance and TelNet Worldwide, Inc. noted that future 911 networks may offer capabilities not foreseen in analog networks.<sup>3</sup> 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. (Joint Commenters) explained that new policies intended to facilitate competitive 911 must be “based on input from all relevant

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<sup>2</sup> WA-911 at 2.

<sup>3</sup> *See, generally*, Michigan Internet & Telecommunications Alliance and TelNet Worldwide, Inc.

stakeholders . . .”<sup>4</sup> The Joint Commenters explained that the core of the 911 system implicates state, regional, and local responsibilities that must be blended with Federal cooperation.<sup>5</sup> Verizon described a “complex and comprehensive statutory and regulatory regime” in Virginia, and, like ITTA, concluded that the appropriate forum for the Commission to consider competitive 911 is a separate proceeding.<sup>6</sup> Tellingly, the comments of Intrado revealed a structure rich enough to warrant the Commission’s, and industry’s, focused attention on the legal, public policy, and economic implications of competitive 911, which in turn will be based on the particular types of competitive networks that may be deployed. All of these issues are beyond the four corners of the interconnection arbitrations that have been deferred to the Commission. The matter of interconnection falls within the bounds of existing legal determinations, while the outstanding issues cited by various parties remain to be examined and elucidated. Treatment of those issues in a thorough manner as can be afforded by a dedicated proceeding will only enhance the Commission’s already robust record of strong standards for telecommunications and other service providers that ensure public safety

Of critical concern to ITTA and its members are questions regarding the costs of interconnection arrangements sought by Intrado, and which could conceivably be mirrored in the requests of other potential competitive 911 providers. *Arguendo* a competitive 911 provider is entitled to 251(c)(2) interconnection, the Commission must determine what sort of obligations that would entail vis-à-vis the physical arrangements

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<sup>4</sup> Joint Commenters at 5.

<sup>5</sup> Joint Commenters at 6.

<sup>6</sup> Verizon at 2.

that the incumbent would be required to accommodate (in fact, the Public Utilities Commission of Ohio did not certify Intrado as a CLEC, but rather as a Competitive Emergency Services Telecommunications Carrier, with a limited scope of certification).<sup>7</sup> For example, the Virginia Telecommunications Industry Association cited a proposed Intrado arrangement that would result in a cost of \$14.50 per customer, per month, for a particular service area.<sup>8</sup> ITTA submits that this result is directly opposite the general notion that competition should lead to lower prices. The assertion of WA-911 that “all service providers have an obligation to, at their expense, connect to the 9-1-1 networks”<sup>9</sup> is a broad generalization that could result in inordinate costly results. Under that model, an incumbent carrier could be forced to interconnect at a competitive 911 provider’s facilities whose location might be determined solely by the 911 provider. Such a result would foist the cost of routing 911 calls solely upon the incumbent. By way of example, Verizon notes that in the instant proceeding, Intrado would deploy POIs at its discretion, and require Verizon to deliver traffic there at Verizon’s expenses; by contrast, under current practices, Verizon transports traffic to the PSAP and is compensated for that task by the PSAP. But, under the described Intrado proposal, Verizon would not be compensated.<sup>10</sup> Verizon also describes negative effects that would spill over onto other

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<sup>7</sup> See, Public Utility Commission of Ohio at 5, 6.

<sup>8</sup> Virginia Telecommunications Industry Association at 2, 3.

<sup>9</sup> WA-911 at 4.

<sup>10</sup> Verizon at 6.

providers if Verizon (or any incumbent) were forced to deploy direct trunks to Intrado (or any competitive 911 provider using an Intrado-type arrangement).<sup>11</sup>

Competition is fundamentally about improving customer choice, lowering prices, and increasing value for the services purchased: the goal of a wider proceeding on competitive 911 would be informed by information regarding the alternative manners in which competitive 911 might be provided, and resultant determinations of how each model would serve consumer- and service-oriented goals. The initial comments in the instant proceedings revealed the breadth of issues that must be considered. Accordingly, for the reasons stated herein and in its initial comments, ITTA urges the Commission to consider competitive 911 within a proceeding that provides opportunity for comprehensive consideration of all technical, legal, customer impact, financial costs, and jurisdictional issues that may arise.

Respectfully submitted,

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<sup>11</sup> Verizon at 11.