

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

In the Matter of:)

Framework for Next Generation 911)
Deployment)

PS Docket No. 10-255

COMMENTS OF CTIA—THE WIRELESS ASSOCIATION®

Michael F. Altschul
Senior Vice President, General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

Brian M. Josef
Assistant Vice President, Regulatory Affairs

Matthew Gerst
Counsel, External & State Affairs

CTIA-The Wireless Association®
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
(202) 785-0081

February 28, 2011

EXECUTIVE SUMMARY

CTIA and its member companies appreciate this opportunity to provide the wireless industry perspective on the important issues related to the next generation 9-1-1 (“NG911”) transition raised in the Notice of Inquiry. NG911 will be an essential part of the United States emergency communications infrastructure in the twenty-first century, and the wireless industry is fully aware of the key role mobile voice and broadband networks will play in delivering these crucial emergency services. CTIA and its member companies have been actively involved and supported the NG911 development process that has been proceeding for years in standard-setting organizations and regulatory bodies at all levels of government.

While the NG911 standard-setting and technology development processes should be allowed to proceed organically, there are several other areas related to the NG911 transition that should be addressed by the Commission and others well in advance of initial NG911 deployments. First, although the NG911 development processes are moving into the advanced stages and have so far been marked by close collaboration between public safety, technology developers and commercial service providers, the Commission should recognize that significant technical challenges remain to be addressed before regulations are adopted. Second, regulatory authority over the NG911 system must be closely examined—particularly in light of the new variety of communications media and service providers that will be involved—as the Commission’s jurisdiction over key aspects of this ecosystem is far from settled. Third, the new types of information and new entities involved in the provision of NG911 services raise questions regarding the roles and responsibilities of the various actors, and the potential liability of each under federal, state, and local law. Fourth, today’s 9-1-1 funding model is a multi-jurisdictional system that results in numerous inefficiencies for public safety and burdens for consumers. CTIA is concerned that NG911 deployment could be impeded unless there is an

appropriate and responsible 9-1-1 funding environment. Finally, a successful NG911 transition will require a reexamination of training and operating procedures, both within PSAPs and the wider public.

Though much work remains to be done, CTIA has confidence that the NG911 transition will ultimately be successful in providing great benefits to the public. The speed and efficiency of this deployment will largely depend on national vision and leadership, especially with respect to the issues identified above. CTIA hopes that the following comments will assist the Commission in identifying key aspects of this transition that could benefit from increased national coordination. CTIA and the wireless industry will continue to participate broadly in all aspects of the NG911 development, deployment, and implementation efforts.

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. KEY TECHNICAL CHALLENGES RELATED TO THE NG911 TRANSITION REMAIN TO BE RESOLVED	3
III. THE NOTICE RAISES ISSUES ABOUT THE COMMISSION’S LEGAL AUTHORITY OVER ASPECTS OF THE NG911 SYSTEM.....	7
IV. MORE CERTAINTY IS NEEDED WITH RESPECT TO THE RESPONSIBILITIES AND POTENTIAL LIABILITIES OF NG911 SERVICE PROVIDERS	10
A. An Effective NG911 Transition Will Require Uniform Service Provider Liability Protection	10
B. The Commission Should Address the Roles and Responsibilities Involved In the Transmission of Auxiliary Data.....	12
V. AN APPROPRIATE AND RESPONSIBLE FUNDING ENVIRONMENT IS ESSENTIAL TO AN EFFICIENT NG911 TRANSITION.	13
VI. A SUCCESSFUL NG911 TRANSITION WILL REQUIRE PUBLIC EDUCATION AND A REEXAMINATION OF PSAP OPERATING PROCEDURES.....	15
VII. CONCLUSION.....	18

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

In the Matter of:)

Framework for Next Generation 911)
Deployment)

PS Docket No. 10-255

COMMENTS OF CTIA—THE WIRELESS ASSOCIATION[®]

CTIA—The Wireless Association[®] (“CTIA”) respectfully submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Inquiry on the Framework for Next Generation 9-1-1 Deployment (“*NG911 Notice*”).¹ As discussed below, the wireless industry is committed to assisting in all aspects of the transition to a Next Generation 9-1-1 (“NG911”) system. In response to the *NG911 Notice*, CTIA notes that:

- While NG911 standards development processes are moving into the advanced stages, the Commission should recognize that significant technical challenges remain to be addressed before regulations are adopted.
- The Commission’s jurisdiction over key aspects of the broader NG911 system of new communications media and service providers is unclear.
- New types of information and entities involved in the provision of NG911 services raise questions regarding the roles and responsibilities of the various actors, and the potential liability of each under federal, state, and local law.
- NG911 deployment could be impeded unless there is an appropriate and responsible 9-1-1 funding environment.
- A successful NG911 transition will require public education and training and operating procedures for public safety answering points (“PSAPs”).

¹ See Framework for Next Generation 911 Deployment, PS Docket No. 10-255, *Notice of Inquiry*, FCC 10-200, 25 FCC Rcd 2297 (2010) (“*NG911 Notice*”).

I. INTRODUCTION

CTIA and its member companies strongly support the development of and transition to a NG911 system. The wireless industry has demonstrated a commitment to providing the most advanced emergency communications capabilities possible by dedicating substantial intellectual and financial resources to upgrading network infrastructure and developing technologies to enable consumers to reach emergency services nearly anywhere, anytime. As explained in CTIA's comments in response to the Commission's recent *E911 Notice*, over the past 15 years, the wireless industry has initiated and completed Phase I Enhanced 9-1-1 ("E911") requirements to all for cell site-based location of wireless 9-1-1 calls, has enabled wireless 9-1-1 calls to be made without user validation, and has deployed and implemented Phase II location technology throughout the country.² Today, in addition to its ongoing efforts to improve and support enhancement to E911 location accuracy, the industry also continues to collaborate closely with public safety, technical organizations, standard-setting bodies, and representatives of local, state, and federal governments to work toward realization of the NG911 vision. The wireless industry fully understands the crucial importance of wireless communications to 9-1-1 and NG911 systems and is committed to assisting the Commission in effectuating a smooth and efficient NG911 transition.

CTIA appreciates the Commission's willingness to engage in a comprehensive analysis of the myriad issues involved in the transition to NG911, which is evidenced by the broad range of questions posed in the *NG911 Notice*. To assist the Commission in crafting its approach to these issues, CTIA's comments reflect five main areas toward which the Commission should direct its attention as it moves forward in this proceeding: (i) remaining technical challenges; (ii)

² See Comments of CTIA—The Wireless Association®, PS Docket No. 07-114 at 2 (filed Jan. 19, 2011) ("CTIA E911 Location Accuracy Comments").

legal authority over the various entities and services involved in the provision of NG911 services; (iii) service provider liability protection; (iv) funding issues; and (v) public education and PSAP operational procedures. The wireless industry has already invested heavily in developing technology and implementing processes to comply with the Commission's E911 rules, and the industry stands ready to take the steps necessary to deliver NG911 services to all Americans.

II. KEY TECHNICAL CHALLENGES RELATED TO THE NG911 TRANSITION REMAIN TO BE RESOLVED.

Thanks to years of collaborative effort between public safety, technology developers, and commercial service providers, the NG911 standard-setting and development processes are moving into the advanced stages. However, the Commission should recognize the significant technical challenges that remain to be addressed, the impact NG911 will have on broadband networks, and the potential costs to consumers and delays that could be caused by the imposition of any new technical requirements. Existing development processes have been successful in establishing a baseline framework for NG911 deployment, and the remaining work on new technologies and interoperability should be left to standard-setting organizations and other groups representative of a broad range of stakeholders. As the Commission considers potential functionalities and solutions, it should remain mindful of the work that has already been completed on NG911, E911, and other forms of emergency communications such as wireless emergency alerts, and it should consider how best to leverage the finite resources available to support the transition.

As the Commission recognizes in the *NG911 Notice*, NG911 will make possible the transmission of a substantial volume and wide variety of new forms of data over various

communications media to PSAPs.³ Beyond voice calls, standards and processes are being developed to accommodate the transmission of significant amounts of data communications, including vehicle telemetry, photos, text based communications, and video communications directly from individuals to NG911-enabled PSAPs. As new forms of multimedia content are able to be transmitted to PSAPs, the load on wireless networks will increase dramatically. This increase will demand significant new investment by wireless network operators in addition to the deployment of new technologies and protocols necessitated by the NG911 transition and the Commission's recent modification of the E911 location accuracy rules. This dynamic further underscores the need for substantial amounts of new commercial wireless spectrum in the near future that has been recognized both by President Obama in his recently announced "Wireless Innovation and Infrastructure Initiative"⁴ and by the Commission in the National Broadband Plan.⁵

Although significant progress has been made on developing the standards and technologies that will drive the long-term NG911 transition, important decisions still remain in the near term. For example, as the Commission recognizes, significant challenges still exist with respect to providing adequate emergency communications over Short Message Service ("SMS")-based text messaging.⁶ Because the NG911 transition requires a complete overhaul of the 9-1-1

³ See *NG911 Notice* at ¶¶ 32-38.

⁴ See The White House, Office of the Press Secretary, Press Release: "President Obama Details Plan to Win the Future through Expanded Wireless Access" Feb. 10, 2010 *available at* <http://www.whitehouse.gov/the-press-office/2011/02/10/president-obama-details-plan-win-future-through-expanded-wireless-access>; *see also* Presidential Memorandum: Unleashing the Wireless Broadband Revolution, June 28, 2010 *available at* <http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution>.

⁵ Connecting America: The National Broadband Plan at 84-85 (2010) ("National Broadband Plan").

⁶ *NG911 NOI* at ¶¶ 41-43.

system, representatives of people with disabilities and public safety have expressed a desire to explore shorter term solutions to allow non-voice emergency communications. Recognizing these concerns, the wireless industry is prepared to work with the public safety and accessibility communities through relevant technical and standards-setting bodies to evaluate the technical feasibility, as well as the costs, benefits, and consequences of developing interim solutions to allow citizens to engage current emergency services via non-voice communications.

The Commission should note, however, that exploration and, if technically possible, implementation of potential interim solutions over legacy networks will necessitate the dedication of substantial public and private resources. Therefore, interim solutions for non-voice communications should be evaluated for their impact on longer term research, standard-setting, and deployment of IP-based emergency services. Such longer-term efforts are already well underway within the National Emergency Number Association (“NENA”) and 3GPP on a new form of IP-based messaging referred to as Non-Voice Emergency Services (“NOVES”) or Non-Voice-Centric Emergency Services (“NVC ES”).⁷ A new messaging suite will provide functionality similar to and exceeding current messaging services and is expected to be incorporated into a future release of the LTE standard. Currently, NOVES is anticipated to be finalized by September 2012 as part of 3GPP Release 11.⁸ The industry and the Commission must weigh the benefits of proposed interim solutions against the risk of delay to these long-term solutions for which development efforts are entering the advanced stages.

⁷ See 3GPP, “3GPP specification: 22.871”, <http://www.3gpp.org/ftp/Specs/html-info/22871.htm> (last visited Feb. 27, 2011) (Study on non-voice emergency services); National Emergency Number Association, “Non-Voice-Centric Emergency Services” http://www.nena.org/information/joint/NG_Non-Voice_CentricEmergSvcs (last visited Feb.27, 2011).

⁸ See 3GPP, “Overview of 3GPP Release 11 V0.0.5 (2011-02)” *available at* http://www.3gpp.org/ftp/Information/WORK_PLAN/Description_Releases/Rel-11_description_20110214.zip (last visited Feb. 27, 2011).

The Commission also seeks comment in the *NG911 Notice* on the appropriate entity or entities to address the need for future standards and interoperability development.⁹ The existing standard-development processes have been very successful and marked by close collaboration between various stakeholders. In particular, work remains to be done on developing implementation procedures and key specifications for originating networks. Future decision-making about technologies, desired functionality, and the best way to ensure interoperability between different types of services and devices should build upon the existing foundation.¹⁰ Groups like 3GPP, ATIS, and NENA have the appropriate technical expertise and procedures to continue addressing these matters.

Finally, in light of the costs and complexities inherent in completing the NG911 transition, the Commission should not seek to duplicate the efforts and resources that have already been dedicated to other efforts. For example, in the *NG911 Notice*, the Commission asks how NG911 will interact with existing and future public alerting systems.¹¹ However, the NG911 system is not designed to be a replacement or a supplement to emergency alerting services. NG911 and emergency alerting will both become vitally important parts of the nation's emergency communications infrastructure, yet they will play distinct and separate roles.

⁹ See *NG911 Notice* at ¶¶ 54-55.

¹⁰ Regarding future functionality, it is important for the FCC and PSAPs to carefully consider the impact on PSAPs of expanding NG911 to a plethora of devices and networks in which neither the user ("caller") nor the device may be "authenticated" on a network. As a past example, some in the PSAP community have come to regret the "all calls" rule that, while previously supported, has resulted in false calls and calls from devices that cannot be called back by the PSAP to verify an emergency. See *Petition for a Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers' Blocking Options for Non-Initialized Phones*, Notice of Inquiry, 23 FCC Rcd 6097 (2008). The FCC should work with public safety to adopt rules that reflect PSAPs' need to confirm the identity of the caller and contact the caller after initial contact with the PSAP. The FCC should encourage NG911 messaging via technologies that are responsive to public safety's needs for user authentication and call back, rather than inadvertently making NG911 less reliable and more burdensome for PSAPs and the public.

¹¹ See *NG911 Notice* at ¶ 62.

The NG911 system will use advanced communications technologies to allow for citizens to request emergency services in new ways, and for the public safety community to access and share information so as to respond more effectively. However, the NG911 system will not have the capability for broadcasting emergency communications to the general public as a whole. On the other hand, in the near future, wireless emergency alerts will be transmitted to the public through the Commercial Mobile Alert Service (“CMAS”). The wireless industry, in coordination with the Commission and other federal agencies, has developed the CMAS as a means to distribute targeted, high priority communications to the general public, as needed within a specific region. Pursuant to the Warning, Alert, and Response Network Act, CMAS will be implemented by the wireless industry by the Spring of 2012.¹² Although the potential exists for FEMA’s Integrated Public Alert and Warning System (“IPAWS”) to provide the basis for a comprehensive multimedia emergency alert system, this development effort is unrelated to the NG911 transition. For the initial deployments, these two systems should remain separate. Conflating these two vital services at this late date in their respective developments would only add complexity, waste resources, and potentially delay deployment of both.

III. THE NOTICE RAISES ISSUES ABOUT THE COMMISSION’S LEGAL AUTHORITY OVER ASPECTS OF THE NG911 SYSTEM.

The *NG911 Notice* asks questions related to a broad range of devices, applications, services, and service providers that will be implicated by the NG911 transition. However, the Commission’s legal authority to mandate interoperable NG911 connectivity across IP-based communication services and devices is uncertain. At various points in the *NG911 Notice*, the Commission seeks comment on the ability of emerging forms of IP-based communications to

¹² See Warning, Alert, and Response Network Act, Pub. L. 109-347, Title VI.

place emergency calls.¹³ Although in an IP-based NG911 paradigm, the theoretical potential may exist for any number of new forms of communication to reach PSAPs, the Commission should recognize that just because a technology is *capable* of contacting 9-1-1 does not mean that the Commission may *require* it to do so. As the Commission recognizes, in a NG911 environment, “end user devices are far more likely to be liberated from a particular transport network.”¹⁴ This evolution in the provision of 9-1-1 services raises key questions as to whether the Commission’s legal authority extends to these new IP-based media and the entities that provide services over them.

The Commission’s jurisdiction is, of course, closely bounded by the limits of the Communications Act, as amended, and other explicit bases of statutory authority. Many of the new media transmitted and received by the NG911 system will challenge the conventional definition and classifications set forth in the law. Some of these providers of current and future application-based communications services are not Commission licensees and thus fall outside the Commission’s regulatory jurisdiction entirely.

As the Commission recognizes in the *NG911 Notice*, the Twenty-First Century Communications & Video Accessibility Act grants the Commission some statutory authority to adopt regulations to facilitate the ability of persons with disabilities to place emergency communications.¹⁵ The Twenty-First Century Communications Accessibility Act instructed the Commission to establish the Emergency Access Advisory Committee (“EAAC”)—of which CTIA is an active member—with the purpose of examining and making recommendations to the

¹³ See, e.g., *NG911 Notice* at ¶¶ 50-53.

¹⁴ *Id.* at ¶ 52.

¹⁵ See *NG911 Notice* at ¶¶ 11, 44 (citing Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-260 (2010) (“21st Century Communications Accessibility Act”)).

Commission related to technology solutions to ensure access to emergency services by persons with disabilities.¹⁶ While the Twenty-First Century Communications Accessibility Act does give the Commission some regulatory power to enact the recommendations of the EAAC, it does not give the Commission plenary authority over electronic messaging and video conferencing services. Ultimately, the limits of the Commission's authority under the Twenty-First Century Communications Accessibility Act are unclear.

The multitude of new communications devices with the potential to connect to IP-enabled PSAPs over commercial wireless or Internet networks frustrates efforts to draw clear lines and challenges the Commission's jurisdiction. In light of these challenges, a coordinated effort between the Commission and the various stakeholders is required to ensure that regulation and implementation proceeds consistently and in a sensible way.

Finally, the Commission seeks comment on the relationship between NG911 and N11 and other abbreviated dialing services.¹⁷ N11 and other abbreviated dialing services are unevenly deployed and utilized across the country and the Commission should not split its focus by also concerning itself with integration of these other, non-emergency services. Moreover, in some areas PSAPs, local police offices, or other local municipal entities have approached network operators with requests to facilitate emergency call routing over non-standardized vertical short codes. The industry is committed to the principle that 9-1-1 is the nationwide emergency services number, and thus all emergency communications should be routed through the 9-1-1 system. Although the standardized N11 numbers could be integrated into the ESInet framework, resolving some of the discrepancies and complexities in routing currently

¹⁶ See 21st Century Communications Accessibility Act, Pub. L. 111-260, § 106.

¹⁷ See *NG911 Notice* at ¶ 60.

experienced by network operators, the Commission should leave these determinations to standard-setting organizations and the public safety community to address. Rather than considering new requirements, the Commission and state and local authorities should focus on identifying and implementing core functionalities of the NG911 system in the initial deployment.

IV. MORE CERTAINTY IS NEEDED WITH RESPECT TO THE RESPONSIBILITIES AND POTENTIAL LIABILITIES OF NG911 SERVICE PROVIDERS.

As the Commission recognizes in the *NG911 Notice*, NG911 will involve more parties, a variety of different services, technologies and media, and significantly broader information sharing compared to the legacy 9-1-1 system.¹⁸ This new dynamic raises a host of concerns about the roles, responsibilities, and potential liabilities of the various actors. Without certainty regarding liability protection, service providers may be hesitant to fully engage in NG911, for fear of being exposed to legal liability as a result of actions outside of their control. Thus, it is crucial to an efficient NG911 deployment that the Commission take steps to ensure uniformity in liability protection with respect to actions taken to facilitate the provision of NG911 services. Also, the Commission should work to bring clarity to the roles and responsibilities involved in the creation, maintenance, and transmission of auxiliary data.

A. An Effective NG911 Transition Will Require Uniform Service Provider Liability Protection.

In a NG911 paradigm, wireless service providers and manufacturers require liability protection for communications originated by third party service providers, even though those communications are carried over their own devices or networks. Unlike legacy 9-1-1 communications, NG911 communications can be conducted using devices or services provided by a carrier or manufacturer and yet the carrier or manufacturer may have no visibility into the

¹⁸ See *NG911 Notice* at ¶ 71.

fact that an emergency call was even placed. For example, a 9-1-1 “call” could be attempted via a third-party social media application on a mobile phone connected over a Wi-Fi network without any knowledge or involvement by the carrier or manufacturer. In this age of open application markets and third party services, the Commission should recognize that there may be no nexus with the carrier, and no carrier responsibility or liability should accrue simply because a communication is attempted via a device that is capable of operating over the carrier’s network.

Existing sources of liability protection in federal law require reexamination and possible updating to accommodate the range of parties, services, and devices involved in the provision of NG911 services. The primary basis for liability protection related to the provision of NG911 services stems from Section 201 of the New and Emerging Technologies 911 Improvement Act of 2008 (“NET 911 Act”),¹⁹ as codified in Section 615a of Title 47 of the U.S. Code.²⁰ Under this section, a “wireless carrier, IP-enabled voice service provider, or other emergency communications provider” may receive the same liability protection as a local exchange carrier under state law.²¹ While this may protect wireless providers under most circumstances contemplated in a NG911 system, the Commission should still examine the scope of liability protection to identify its limits. For example, it is not clear that the NET 911 Act’s liability protection embraces the full range of technologies and service providers involved in the provision of NG911 services.

Moreover, even with these protections in place, there is still a risk of service providers being exposed to liability under state tort or statutory actions. By its terms, the NET 911 Act’s

¹⁹ New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. 110-283 (2008).

²⁰ *See* 47 U.S.C. § 615a.

²¹ *Id.*

liability protections are tied to state and local laws, rules, and tariffs. As CTIA has discussed previously, states vary significantly in terms of the duties of care and potential liabilities imposed on 9-1-1 activities.²² These state laws may need to be updated.

In other cases, the new technologies, processes, and data flows involved in the provision of NG911 service may implicate causes of action that were not a concern in the legacy 9-1-1 world, and for which adequate protections are thus altogether lacking. To illustrate, the use and sharing of new types of data, such as medical information or property records, raise potentially different privacy and confidentiality implications than previously experienced in this context.

These risks of legal exposure for NG911 service providers have the potential to cause serious delays to the NG911 transition. Through collaboration with state governments, federal agencies, and the U.S. Congress, the Commission should seek to protect wireless service providers and PSAPs from counterproductive application of these laws. Uniformity in liability protection is essential. States that do not currently provide sufficient liability protection should update their laws accordingly. The Commission, however, should also be prepared to work with Congress to identify a federal preemption solution as necessary.

B. The Commission Should Address the Roles and Responsibilities Involved In the Transmission of Auxiliary Data.

Beyond examining the issue of liability protection, the Commission also should address the responsibilities of the various parties for making new forms of data, such as telemetry, medical and other information, available to the PSAPs. With NG911, PSAPs are expected to develop capabilities to receive many new types of data, but the responsibilities for generating, maintaining, and transmitting this data to PSAPs have not been clearly defined. For vehicle

²² See, e.g., Comments of CTIA—The Wireless Association[®], PS Docket No. 08-51 at 10-11 (filed June 30, 2008).

telemetry data to reach PSAPs, it will have to be transmitted over a broadband network. However, the commercial arrangements and legal protections necessary to accomplish this task are not in place. Further, with respect to medical details and other personal background, wireless carriers cannot be expected to be responsible for compiling, updating, and sharing this information. Some of these questions regarding information generation, maintenance, and sharing might be best addressed by an appropriate standard-setting group.

V. AN APPROPRIATE AND RESPONSIBLE 9-1-1 FUNDING ENVIRONMENT IS ESSENTIAL TO AN EFFICIENT NG911 TRANSITION.

Although the Commission purports not to address funding issues in the *NG911 Notice*,²³ the need to address the fractured and inefficient 9-1-1 funding system must not be ignored. Ensuring that PSAPs are equipped to implement the NG911 transition, in terms of both operational readiness and infrastructure upgrades, may require expenditures that have not yet been adequately identified. In the National Broadband Plan, the Commission recommended that the National Highway Traffic Safety Administration (“NHTSA”) prepare a detailed analysis of the costs of deploying NG911 nationwide.²⁴ CTIA supports the Commission and NHTSA in their efforts to holistically identify costs and appropriate expenditures for the NG911 transition. Identifying the necessary funding from current state and local government 9-1-1 funds is a crucial step toward ensuring collected 9-1-1 funds are responsibly used to support the current 9-1-1 system and spur the NG911 transition on a reasonable timeframe. Considering the substantial investments they will have to make in their own infrastructure, wireless carriers and other potential providers of NG911 services should not be mandated to deploy any new

²³ See *NG911 Notice* at n.22.

²⁴ National Broadband Plan at 325.

functionalities without sufficient certainty that PSAPs will be in a position to adopt the new features promptly.

Currently, 9-1-1 oversight is conducted at many levels. Local, state, and national governments each have a say in the rules and policies that govern an individual PSAP, and to a large extent, this is how it should be. However, the existing multi-jurisdictional regulatory regime has created a number of problems for industry and consumers generally. For example, in some cases, duplicative fees are collected on the same service by different levels of government. Typically, these fees are passed through to the end-user. Duplicate fees are inefficient and unfair and, without appropriate oversight, it is unclear whether these funds actually support 9-1-1 emergency communications services.

Perhaps more troubling is the widespread misappropriation of 9-1-1 funds by many states. Despite clearly expressed federal policy stating that 9-1-1 funds should only be expended in support of maintaining or upgrading 9-1-1 services,²⁵ many states see 9-1-1 funds as a means to address pressing budget shortfalls. Indeed, as the Commission recently highlighted, 13 states raided 9-1-1 funds to support programs other than 9-1-1 or E911 in 2009, including 10 states that used these critical emergency service funds to close their general budget gaps.²⁶ Clear parameters with real consequences should be set to ensure that 9-1-1 fees only go directly to support 9-1-1 services.

Finally, many current funding models do not account for new services that may be required to offer emergency communications in a NG911 system. 9-1-1 funding structures must

²⁵ See NET 911 Act, Pub. L. 110-283, § 6(f).

²⁶ Federal Communications Commission, *Second Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges* (Aug. 13, 2010) available at http://www.fcc.gov/ftp/Daily_Releases/Daily_Business/2010/db0817/DOC-300946A1.pdf.

be technologically neutral, so that the burden does not fall to certain types of services over others. 9-1-1 fees should be applied to all service providers, not just those providing network access. Thus, where a VoIP application or other IP-enabled service is operating over a commercial wireless network, the VoIP or IP-enabled service provider must bear some responsibility for contributing to the 9-1-1 fund. To push all of these fees onto wireless service providers, and thus wireless consumers, would be to give an unfair competitive advantage to a certain set of competitors in the voice and messaging market.

On the deployment front, even if all the necessary NG911 standards were completed today, under the current regime, it is not clear that PSAPs would have the technical, operational and funding resources to deploy. As discussed in CTIA's comments in the *E911 Location Accuracy* docket, Phase II E911 rollout has proceeded slower than expected.²⁷ While CTIA's member companies have generally completed Phase II location technology deployment throughout the country, the same cannot be said for PSAPs responsible for receiving location data. The same lack of readiness that is impeding the deployment of location accuracy technologies today could also hinder NG911 deployments in the future if action is not taken to fix the current funding environment.

VI. A SUCCESSFUL NG911 TRANSITION WILL REQUIRE PUBLIC EDUCATION AND A REEXAMINATION OF PSAP OPERATING PROCEDURES.

The wireless industry stands ready to collaborate with the Commission and other federal and state agencies to promote public awareness of and education regarding the new capabilities and limitations of NG911. Even before NG911 is deployed, stakeholders will need to prepare for significant national public education campaigns. Given the myriad new technical capabilities and interactions that may be facilitated by NG911, public education will be necessary to ensure

²⁷ CTIA E911 Location Accuracy Comments at 8-9.

that wireless consumers' expectations about emergency communications match the technical and operational realities. The transition implementation schedule may vary from place to place.

There is a risk that, as users move, they will become accustomed to certain functionality in one area only to discover at the worst possible time that similar capabilities have not been deployed elsewhere. As such, the Commission should coordinate with the various stakeholders to develop an understanding of the national baseline level of capabilities to be provided, which can be used as a foundation for coordinated public education campaigns.

At the same time, significant work must be done within PSAPs to prepare for the new emergency communications paradigm. The day-to-day work flow and operations of PSAPs will be radically altered by the NG911 transition. The expectation is for an influx of new types of data coming into PSAPs. With carriers making substantial investments of their own to deliver these communications, there needs to be assurance that PSAPs will have in place appropriate capabilities to receive, process, and utilize this new information. PSAPs must develop updated and consistent operating procedures and training programs in advance of the NG911 transition to ensure that they are able to smoothly adopt and implement NG911 functionalities cooperatively with commercial service providers.

PSAPs must develop internal best practices and ongoing formal training to ensure that they are capable of dealing with the new data. Not all PSAPs have the same capabilities and funding, yet it is essential to interoperability and efficiency that core performance of the NG911 system be consistent across jurisdictions. The public safety community should consider the development of uniform standard operating procedures to govern staffing resources, training programs, and other operational aspects. Ultimately, the goal is to make sure that PSAPs have the internal capability to fully exploit the new functionalities of NG911. It would be a tragic

waste for the public safety community, government agencies, and industry to dedicate substantial time and resources to developing new capabilities that go unused or under-used due to lack of appropriate staffing, training or communication to the public about their benefits.

Additionally, the Commission and the public safety standards community should consider options for normalizing processes for implementing new technologies and requirements by PSAPs. The NG911 transition is likely to be a staggered and gradual deployment of an evolving set of advanced communications features, rather than a “flash-cut” to an entirely new platform. However, this series of switches to NG911 functionalities will still place a strain on carriers in terms of personnel and resources. Wireless carriers have recently experienced some PSAPs, when deploying technology upgrades involving IP-capable equipment, placing unrealistic demands on carriers with respect to accommodating technology changes on very short notice. In these cases, carriers have no choice but attempt to comply with the PSAPs’ conditions, despite exorbitant expense and significant burdens due to the arbitrarily accelerated schedule, as the alternative is to risk having their customers cut off from 9-1-1 services.

CTIA fully appreciates that NG911 deployments will not proceed on the same schedule nationwide, and that there will be some variation among jurisdictions with respect to the final feature set deployed. The Commission, however, should still take this opportunity to work with the public safety community to develop some reasonable standard procedures to ensure that, to the extent possible, NG911 deployments proceed smoothly, in an organized way, and in collaboration with the local service providers. This includes both a consideration of internal PSAP procedures with respect to work flows, training, and operations, and an examination of its outward-looking practices with respect to technology deployment and communication with commercial service providers.

VII. CONCLUSION

CTIA reiterates the wireless industry's commitment to fully engage on all aspects of the NG911 transition and collaborate with all interested stakeholders to ensure that these vital services are delivered to the public. The industry has long been planning for this transition and has been deeply involved in the development efforts. While the technology and standards development efforts are progressing at a healthy pace, there are various other transitional and operational issues that the Commission and other stakeholders in federal, state, and local governments can assist in addressing. The industry will strive to ensure that its networks, devices, services are capable of delivering NG911 performance, but the Commission and other bodies must take steps to provide the appropriate legal, financial, and operational environment for NG911 to thrive. CTIA has no doubt that the broadly constructive collaboration that has so far marked the NG911 development process will continue, facilitating a successful delivery of these crucial new emergency communications services.

Respectfully submitted,

By: *Brian M. Josef*

Brian M. Josef
Assistant Vice President, Regulatory Affairs

Michael F. Altschul
Senior Vice President, General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

Matthew Gerst
Counsel, External & State Affairs

CTIA – The Wireless Association®
1400 16th Street, NW, Suite 600
Washington, D.C. 20036
(202) 785-0081

Dated: February 28, 2011