

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

In the Matter of)
)
Rules and Regulations Implementing the)
Truth in Caller ID Act of 2009) **WC Docket No. 11-39**

**JOINT INITIAL COMMENTS OF THE TEXAS COMMISSION ON STATE
EMERGENCY COMMUNICATIONS AND THE TEXAS 9-1-1 ALLIANCE**

The Texas Commission on State Emergency Communications¹ and the Texas 9-1-1 Alliance² (collectively referred to herein as the “Texas 9-1-1 Agencies”) respectfully submit the following joint initial comments in response to the Notice of Proposed Rulemaking (“NPRM”) released March 9, 2011, seeking comments on the proposed rules to implement the Truth in Caller ID Act of 2009 (the “Truth in Caller ID Act” or the “Act”).³

The Texas 9-1-1 Agencies appreciate the Commission’s efforts to develop rules to facilitate prohibition of harmful “spoofing” and “swatting” to 9-1-1 and Public Safety Answering Points.⁴ The delivery of accurate number information for any person who dials 9-1-1 or seeks assistance via 10-digit emergency and non-emergency numbers is fundamental to the discussion of how the

¹ The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code 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 In the Matter of Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39, Notice of Proposed Rulemaking (released March 9, 2011).

⁴ Spoofing and swatting can occur at a PSAP on the emergency 10-digit and non-emergency lines; and potentially on 9-1-1 calls as 9-1-1 service moves away from using Centralized Automatic Message Accounting (“CAMA”) 9-1-1 trunks or if the spoofer can obtain the 10-digit pilot number associated with the CAMA 9-1-1 trunks.

Commission should ensure that the correct and true identifying information is transmitted with those calls. Similarly, statutes and rules requiring the provisioning of 9-1-1 service may be ineffectual and undermined if the service is designed in such a manner that identifying number (and location) information essential to processing a 9-1-1 call is omitted or subject to manipulation. For these reasons, the Texas 9-1-1 Agencies support the Commission's effort to propose rules that would prohibit any person or entity with intent to cause harm from engaging in spoofing and swatting. The Texas 9-1-1 Agencies urge and support the inclusion of broad definitions of the terms "caller identification service" and "caller identification information" that would include Automatic Number Identification ("ANI"), pseudo ANIs ("pANIs"), ANI-like VoIP equivalents, and "any other information regarding the origination of a call."

The Commission suggests that the current definition of ANI may be too limited in that it is associated with the public switched telephone network ("PSTN").⁵ But the phrase "other information regarding the origination of a call" could be read as requiring ANI-type information from Interconnected VoIP service as a non-PSTN service.⁶ Accordingly, the Texas 9-1-1 Agencies urge a definition of ANI sufficiently broad enough to cover Interconnected VoIP service as defined in 47 C.F.R. § 9.3 and other voice services providing access—directly or indirectly—to a PSAP. The Texas 9-1-1 Agencies agree in concept with the Department of Justice's suggestion for a broader definition of the term "IP-enabled" to make clear that it covers Interconnected VoIP services, which may arguably not be covered by 47 C.F.R. § 9.3 if

⁵ NPRM at ¶ 18.

⁶ Other than the arguable possible limitation on definition of Interconnected VoIP under the 47 C.F.R. § 9.3, discussed herein, the Commission use of the phrase "or other information regarding origination of" in the definitions of the terms "caller identification information" and "caller identification service" may be sufficiently broad.

customers can make telephone calls or text 9-1-1 now or in the near future.⁷ The concern is that as newer services are permitted or required to provide 9-1-1 service, an under-inclusive definition of “IP-enabled” would further regulatory uncertainty and leave the Commission forever playing catch-up.

The Commission must exercise its authority to find effective and reasonable ways to facilitate getting ahead, and staying ahead, of new technologies. Moreover, the Commission should establish minimum requirements for 9-1-1 compatibility and ensure that such requirements are incorporated at the design stage of new communication services. To do otherwise would be contrary to Congress’ express concern about spoofing and swatting to emergency services.⁸ Accordingly, it would be reasonable and appropriate for the Commission to cover all current and currently foreseeable aspects associated with telecommunications and Interconnected VoIP services. To the extent the Commission’s authority is lacking, the Commission should make Congress aware that additional delegated authority under the Act is needed to address spoofing and swatting to emergency services.

The Texas 9-1-1 Agencies appreciate the opportunity to comment on these issues, and support the Commission’s efforts to develop effective rules that prohibit harmful spoofing and swatting to emergency services.

⁷ NPRM at ¶ 15.

⁸ NPRM at ¶ 17.

Respectfully submitted,



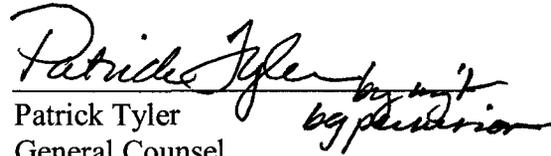
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April 18, 2011



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