

101 Quincy Street
Brooklyn, NY 11238

November 9, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC
Re: Proceeding 11-153

Dear Ms. Dortch:

The FCC should promptly implement a national SMS-based emergency services communication system as soon as it has resolved the issues inherent in any text-based emergency services communication system. While the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) envisions eventual creation of a more sophisticated internet-based emergency services scheme, that statute's mandate to provide access to those who need it most requires that the FCC focus its current efforts on rolling out SMS-based emergency services communication.

In addition to its substantial authority under the Communications Act as cited in the proposed rulemaking, *see* "Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment," Federal Register 76:197 (October 12, 2011) p. 63274, the FCC has authority under the CVAA to establish an interim SMS-based emergency services communication system. The CVAA envisions a broad role for the FCC particularly in the emergency services area by granting appointment power to the FCC Chairman over members of the Emergency Access Advisory Committee. *See* CVAA, Pub. L. no. 111-260 § 106(b) (2010). While the CVAA suggests eventual "migration" to an internet-based emergency services communication system, *see* CVAA § 106(a), nothing in the statute disfavors implementing an SMS-based system before the internet-based system is ready.

The CVAA's underlying purpose supports the FCC rolling out SMS-based services as soon as possible. The CVAA was created to increase access of disabled people to modern communications services. *See* CVAA preamble. The statute includes electronic messaging as such a service. *See* CVAA § 101. For disabled people to receive full access to modern communications, therefore, commonly-available modern SMS technology should replace antiquated TTY systems. Whereas only about one-half of US residents have access to mobile internet, mobile phone penetration (which by definition includes SMS access) is universal in the US. *See* Lee Rainie, "Internet, broadband, and cell phone statistics", Pew Research Center (Jan. 5, 2010) (showing 55% of US residents had access to mobile internet in 2009); CTIA-The

Wireless Association, “Wireless Quick Facts”,
http://www.ctia.org/media/industry_info/index.cfm/AID/10323 (accessed Nov. 9, 2011)
(showing full wireless market penetration in the US). While some time remains before all US residents would benefit from an internet-based system, therefore, the benefits to disabled people of an SMS-based system would be immediate and universal.

Delaying or avoiding implementation of an SMS-based system would hurt those in need of access the most – those who cannot afford sophisticated technology – and would merely serve to protect wireless carriers’ ability to require their customers subscribe to mobile internet services. The FCC should roll out an SMS-based emergency services communication system as soon as possible.

Sincerely,

Alexander Stein