

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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)	
Facilitating the Deployment of Text-to-911)	PS Docket No. 11-153
and Other Next Generation 911 Applications)	
)	
Framework for Next Generation 911)	
Deployment)	PS Docket No. 10-255
)	
)	
)	

COMMENTS OF METROPCS COMMUNICATIONS, INC.

MetroPCS Communications, Inc. (“MetroPCS”),¹ by its attorneys, hereby respectfully submits its comments in response to the *Notice of Proposed Rulemaking* (the “*NPRM*”)² released by the Federal Communications Commission (the “FCC” or “Commission”) in the above-captioned proceedings. In summary, while MetroPCS supports the Commission’s efforts to make emergency services available via text messaging, at this time the Commission should defer to industry groups to develop standards for the provision of such services. The following is respectfully shown:

I. INTRODUCTION

¹ For purposes of these Comments, the term “MetroPCS” refers to MetroPCS Communications, Inc. and all of its FCC license-holding subsidiaries.

² *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, Notice of Proposed Rulemaking, PS Docket Nos. 11-153, 10-255 (rel. Sept. 22, 2011) (“*NPRM*”).

MetroPCS applauds the Commission's dedication to increasing the ability of consumers to reach emergency response services.³ Generally, MetroPCS supports developing standards that will allow consumers to access emergency services using services other than traditional voice communications. However, MetroPCS does not believe that Commission-mandated Text-to-911 deployment, or any other Commission-mandated regulations, are the proper approach at this time. Rather, MetroPCS submits that the Commission should instead encourage industry-led efforts in examining the nature of the complex issues associated with non-voice emergency services and developing any standards to provide non-voice emergency services. Once the industry has developed the appropriate standards, the Commission must allow providers sufficient time to implement any such requirement after request from a Public Safety Answering Point ("PSAP").⁴ Any action, such as interim standards, taken before the industry has been able to develop standards would be premature, and divert valuable carrier and public safety resources.⁵ Nevertheless, if the Commission elects to pursue a policy of mandatory deployment, MetroPCS requests that the FCC exclude small, rural and mid-tier wireless service providers from such mandatory requirements, or at the very least, give such providers additional time to implement such procedures, like it did for the initial Phase II E911 location accuracy requirements. Finally, with respect to any mandatory deployment initiative, MetroPCS

³ *Id.*, ¶ 1.

⁴ MetroPCS anticipates that non-voice emergency services will be similar to Phase I and II voice services in that equipment, software and facilities will be required in order to accept any non-voice emergency service requests and that such a process will be phased-in similar to the voice services process.

⁵ Since public safety will have to undertake actions to accept non-voice E911 messages, it does not make sense, given their limited resources, to have to invest in interim solutions. Carriers should not have to deploy services that cannot be received by the public safety community.

recommends that the FCC follow in the footsteps of its existing E911 rules, and require wireless service providers to deploy Text-to-911 services only if the PSAP requests such service.

II. STANDARDS MUST BE ALLOWED TO FULLY DEVELOP BEFORE THE COMMISSION MANDATES ANY REQUIREMENTS

Adding non-voice capabilities to the 911 system is the next logical step in improving emergency response services, and MetroPCS wholeheartedly supports this logical evolution. As the Commission notes, “[s]ending text messages . . . has become commonplace for users of mobile devices on 21st century broadband networks, yet [the] legacy circuit-switched 911 system does not support th[is] form of communication.”⁶ Indeed, consumers are comfortable using text services, and in many cases, use their mobile devices more for texting than making voice calls.⁷ Enabling consumers to text PSAPs in “silent call scenarios”⁸ makes sense, and MetroPCS agrees that the public interest will be served if non-voice E911 is developed. However, MetroPCS strongly cautions the Commission against acting prematurely, as important technical challenges still remain to be resolved with Text-to-911 programs. To ensure that a successful program is deployed, the Commission should allow industry standards-setting bodies sufficient time to fully develop standards for non-voice emergency services prior to any Commission mandate. Any action prior to the development of such standards would be premature and could lead to the diversion of critical carrier and public safety resources.

⁶ *NPRM*, ¶ 1.

⁷ *Texting: the New Voice of the Customer*, PRNEWswire, July 12, 2011, <http://www.prnewswire.com/news-releases/texting-the-new-voice-of-the-customer-125403733.html>.

⁸ For instance, “in situations where the caller needs to contact the PSAP silently or surreptitiously because placing a voice call could put the caller in danger.” *NPRM*, ¶ 37.

It is MetroPCS' considered view that the standards development cycle has not yet reached the point where deployment of Text-to-911 to the public is feasible. This is, in large part due to the important technical challenges that still remain. The several trials that the Commission describes in the *NPRM* confirm that the industry has not yet reached a consensus on the proper implementation of NG911 in order to solve these problems. For example, the various trials all attempted to tackle the inability of SMS messages to provide automatic location information. The Text-to-911 trial held in Black Hawk County, Iowa required users to enter their zip code before the text message was forwarded to the PSAP, while the Durham, North Carolina trial is attempting to educate the public on this limitation so that users make sure they enter their location as part of the SMS message.⁹ Although the Harris County, Texas Text-to-911 trial did attempt to use Automatic Location Information ("ALI") capabilities, it noted that "many operational implementation and procedure related elements remain to be discussed."¹⁰ Furthermore, the Commission itself states that "[t]he record indicates that SMS-to-911 has a number of technical limitations that affect its ability to support reliable emergency communications."¹¹ Until industry consensus arises from extensive testing, the Commission should not put regulatory command-and-control mandates before technological advancement; particularly in the case of emergency access services.

Indeed, the Commission has demonstrated interest in deploying an interim Text-to-911 solution to quickly improve the accessibility of the 911 system.¹² MetroPCS strongly cautions the Commission against implementing any short-term Text-to-911 program while standards

⁹ *NPRM*, ¶¶ 42, 44.

¹⁰ *Id.* ¶ 45.

¹¹ *Id.* ¶ 53.

¹² *Id.* ¶ 38.

continue to be developed. Any Text-to-911 program lacking important standards such as location information, or confirmation of receipt – both key elements of traditional voice 911 services – should be rejected by the Commission. Offering this service on an interim basis can, and will, result in consumer confusion, which will likely lead to lost faith and reliance on the system, and rejection of future efforts. Such a requirement to deploy substandard solutions could indeed hurt the public interest. Consumers do not generally perceive that E911 services can be reached using text messages. However, if the Commission requires a solution that only allows some emergency messages to be completed or requires information that the public is not used to providing (such as zip code or location), consumers may have a false sense that such messages are being acted on. Further, consumers may substitute the use of such limited services for the fully functioning voice E911 services.

Rather than expend time, money, and quite possibly, consumer faith, on an interim program, the Commission should encourage industry stakeholders to quickly work towards developing uniform standards that reflect an industry consensus on the best practices for NG911 to ensure that the Commission’s goals are accomplished. Such standards should include not only text messaging from broadband wireless devices, but also from narrowband two-way devices as well.¹³ Notably, the Commission recently endorsed voluntary industry-led efforts to develop standards to address issues of “bill shock,” and in doing so, acknowledged the benefits of such an approach.¹⁴ Similar to bill shock, it is in the carriers competitive interests to develop advanced methods of 911 communications. The Commission should once again trust industry stakeholders

¹³ For instance, during the events of 9/11, many messages were delivered using two-way pagers.

¹⁴ See Julius Genachowski, Chairman, Fed. Comm’n Comm’n, Address at the Brookings Institution Bill Shock Event (Oct. 17, 2011) <http://www.fcc.gov/document/chairman-genachowski-remarks-bill-shock-event>.

to develop the standards necessary for a successful implementation of procedures to improve and enhance emergency response services.

III. SMALL, RURAL, AND MID-SIZED SERVICE PROVIDERS SHOULD BE EXCLUDED FROM MANDATORY REGULATIONS OR AT THE VERY LEAST, PROVIDED ADDITIONAL TIME TO IMPLEMENT ANY NEW REGULATIONS

Before any standards or procedures are implemented – whether developed by the Commission or industry consensus – the Commission should conduct a cost-benefit analysis of this program with respect to wireless service providers. The transition to deploying non-voice services to emergency responders is likely to be costly and time-consuming. If the Commission adopts mandatory regulations, it must provide the industry with a significant amount of time to comply with such regulations. This must include time to build the adequate infrastructure, as well as time to work with handset manufacturers to produce NG911-capable handsets. With infrastructure development alone potentially taking 18-to-24 months, the Commission must allow wireless providers a significant amount of time to comply with mandatory regulations; less it put the regulatory cart before the technological horse.

The new NG911 services will likely require new or updated technology, which will involve significant investments, as well as require a great deal of time. For example, the Commission allocated several years past the standards development date for carriers to test and deploy the voluntary Commercial Mobile Alert System (“CMAS”).¹⁵ Despite this lengthy implementation period, there has been reports that some carriers are still having issues obtaining sufficient CMAS-compatible equipment. Implementing new standards for NG911 is not a one-step process. It will require modifications to all levels of a wireless service provider’s platform.

¹⁵ See *Public Notice*, DA 09-2556, PS Docket No. 07-287 (rel. Dec. 7, 2009).

The software that is developed will have to be applied to each handset that the carrier provides, and will have to be able to be executed over various spectrum bands. This will take substantial time and resources. Further, to the extent that handsets will need to be modified (for example to include location as part of a text message), the Commission will also need to phase any such handset requires move a substantial period of time, as it did for Phase II E911. In addition, the Commission should not require any such requirements to apply to legacy handsets.

This is particularly true with respect to small, rural and mid-sized wireless service providers. MetroPCS submits that the Commission should exclude small, rural and mid-sized wireless service providers from such obligations, or at the very least, provide additional time over the time required for the largest carriers, in order to allow such smaller carriers to fully comply with any requirements. Small, rural, and mid-tier carriers do not have the same expendable resources that the larger, nationwide carriers possess. These regulations should only be imposed on the largest nationwide carriers because the costs of increased regulations are more easily borne by the largest carriers, and competitive market forces will undoubtedly bring smaller carriers into line if particular policies are proved to be valuable to consumers.

The Commission previously has demonstrated a willingness to allow for additional time for smaller wireless carriers to comply with regulatory mandates. The Commission previously has recognized that small, rural and mid-tier carriers do not get access to the newest handsets at the same time as the larger carriers, if at all.¹⁶ For example, the Commission allowed such carriers additional time to comply with equipment mandates in the implementation of rules for

¹⁶ See *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Fifteenth Report, WT Docket No. 10-133, ¶ 65 (June 27, 2011) (“*Fifteenth Report*”).

hearing aid compatibility and for Phase II of E911.¹⁷ Accordingly, requiring small, rural and mid-tier carriers to deploy in the same schedule as the largest carriers would be inappropriate. Such providers should be permitted additional time here as well, if the Commission proceeds with mandatory regulations.

IV. WIRELESS SERVICE PROVIDERS SHOULD ONLY BE REQUIRED TO PROVIDE NG911 SERVICES IF A PSAP REQUESTS SUCH SERVICES

Not only will wireless providers need to prepare their services for NG911 program implementation, but PSAPs will also need to obtain the proper technology, equipment, and other resources. This process will undoubtedly take additional time and therefore MetroPCS recommends that the Commission follow its existing E911 rules and require CMRS providers to deploy Text-to-911 services only if the PSAP is capable of receiving and utilizing the transmitted information, and requests such services to be deployed.¹⁸ By instituting a PSAP-based trigger for providers to provide NG911 solutions for non-voice emergency services, the Commission will ensure that unnecessary investments are not wasted on the part of the wireless service providers, and may be used to further the goals of improving the emergency response system.

V. CONCLUSION

MetroPCS supports the development of Text-to-911 systems that will allow consumers to take full advantage of next generation technology in emergency situations. However, MetroPCS strongly urges the Commission to refrain from implementing any standards at this point, as key

¹⁷ See e.g., 47 C.F.R. § 20.19(e)(1) (exempting small entity service providers from the hearing aid compatibility rules); 47 C.F.R. § 20.18 (e) – (g) (providing a phase-in procedure for implementing Phase II enhanced voice 911 services).

¹⁸ NPRM, ¶ 91.

issues, such as location accuracy mechanisms, still need to be tested and developed.

Implementing an interim, or short-term, Text-to-911 solution will only divert valuable resources, and place the Commission and industry further away from reaching the goal of enabling non-voice services to be deployed over the 911 system. Instead, the Commission should, as it has done before, allow industry-led efforts more time to design and develop standards for NG911 emergency response services. Once standards have been adopted, to the extent that the Commission mandates the deployment of Text-to-911, MetroPCS requests that the Commission exclude small, rural and mid-tier wireless service providers from regulation, or at the very least, allow such providers additional time to implement these new standards. These carriers do not have the funds or resources to complete a transition in the same amount of time that the large, nationwide carriers will require and typically do not have access to the newest handsets in the same timeframe (if at all) of the largest carriers. Therefore, in order to further the ultimate goal of providing non-voice emergency services to consumers, the Commission should allow small, rural and mid-sized carriers ample additional time to implement new technology on their networks and compatible handsets. Finally, NG911 solutions for non-voice emergency messaging to 911 services should be required only when the PSAP requests such service, and is capable of receiving and utilizing the information, similar to the existing E911 rules.

Respectfully submitted,

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