

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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

To: The Commission

REPLY COMMENTS OF SOUTHERNLINC WIRELESS

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Dated: February 9, 2012.

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Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) hereby submits its reply comments in response to the Commission’s *Notice of Proposed Rulemaking* (“*NPRM*”) in the above-captioned proceeding.¹

I. INTRODUCTION AND SUMMARY

SouthernLINC Wireless joins with other commenters in their support of the Commission’s broader policy efforts to accelerate the transition towards a nationwide Next Generation 911 (“NG911”) system and encourages the Commission to remain focused on the long-term transition to NG911. To this end, SouthernLINC Wireless does not endorse the adoption of an interim solution based on SMS technology. As discussed herein, SMS presents a number of technical limitations that make it highly unsuitable as a vehicle for 911

¹ / *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment*, PS Docket No. 11-153, PS Docket No. 10-255, Notice of Proposed Rulemaking, FCC 11-134 (rel. Sept. 22, 2011) (“*NPRM*”).

communications, and the substantial cost and effort required to implement an SMS-based 911 solution on an interim basis would divert valuable resources from the development and deployment of long-term NG911 services that will enhance public safety.

Similarly, enabling prioritization of 911 traffic would require significant and costly changes to be made throughout existing wireless networks, yet prioritization would not address the problem of consumers' ability to contact 911 because the critical bottleneck for 911 calls is not on the wireless network but at the PSAP. The prioritization of 911 calls also raises questions regarding how such prioritization would work and the interplay between 911 prioritization and the prioritization of Wireless Priority Service ("WPS") calls. Accordingly, SouthernLINC Wireless submits that the most effective way to enhance consumer access to 911 is through consumer education regarding the use of alternative means of communication (such as text messaging rather than calling family or friends) to reduce the demands placed on networks and PSAPs during major emergencies.

With respect to facilitating the deployment of NG911, SouthernLINC Wireless urges the Commission to encourage and facilitate the standards development process that is already ongoing for NG911 and avoid any premature actions, such as the adoption of any mandatory requirements, that could deflect from or disrupt this process. In addition, SouthernLINC Wireless agrees that it is vital to ensure that all persons involved in the handling any aspect of an emergency communication, including network providers and PSAP staff, have unambiguous protection from liability under federal or state law. Furthermore, the Commission should identify new funding models and ensure that they will be sufficient to meet the tremendous resource needs of NG911 deployment.

The actual deployment of NG911 should be coordinated at the state level, and the certification of PSAP readiness necessary to trigger service providers' implementation obligations should be made on a statewide basis. PSAP consolidation must also be considered in order for NG911 to be successfully implemented. In addition, as it considers its overall framework for the deployment of NG911, the Commission should take into account the impact on regional and rural carriers with more limited resources. Among other things, the Commission should stagger any timeframes that it may adopt for NG911 deployment to provide regional and rural carriers additional time to deploy NG911 in a reasonable and cost-effective manner and should adopt a reasonable waiver process with clear and reasonable standards.

Finally, SouthernLINC Wireless agrees that consumer education will be essential to the successful implementation of NG911 and supports the development of best practices that would ensure that consumers are informed but not overwhelmed. The Commission itself should play a substantial role in consumer education and should take this opportunity to strongly advise and educate consumers that – reports of ongoing trials notwithstanding – text-to-911 and NG911 services are not available today and likely will not be available in the near-term.

II. THE COSTS AND DRAWBACKS OF AN INTERIM SMS-TO-911 SOLUTION FAR OUTWEIGH THE POTENTIAL BENEFITS

In this *NPRM*, the Commission requests comments on the possible deployment of a short-term interim solution that would enable text-based 911 messages to be sent to PSAPs pending the deployment of NG911 applications and solutions. As discussed below, SouthernLINC Wireless does not endorse the adoption of an interim SMS-to-911 solution due to the significant technical limitations of current SMS systems and the significant costs that developing and implementing such a solution would impose on service providers and PSAPs. Accordingly, SouthernLINC Wireless recommends that the Commission refrain from pursuing the adoption of

an interim SMS-based solution and instead focus the efforts and resources of industry and public safety on the development and deployment of long-term NG911 solutions.

A. SMS-to-911 Has Significant Technical and Practical Limitations That Make It Unsuitable for Emergency Communications

The Commission has before it an ample record demonstrating that SMS – which was not designed for emergency communications – presents a number of technical shortcomings and limitations that make it unsuitable as a sufficiently reliable interim solution pending the deployment of NG911 services.² The Commission recognized some of these technical limitations in the *NPRM*. These limitations include the fact that SMS is a store-and-forward service that is not designed to provide immediate or reliable message delivery; that SMS does not support two-way real-time communication; and that SMS does not provide the sender’s location information.³ For example, a person sending an SMS 911 message may press “send” at a moment when that person’s handset does not have a signal. The 911 message will then be stored and will not be sent until the person moves into an area with signal coverage. The resulting delay between the time the person presses “send” and the time the message is received by a PSAP could therefore be anywhere from a few minutes to several hours, during which time the situation precipitating the 911 message may have changed dramatically or even tragically.

Additional technical problems that have been identified by many commenters in this proceeding include the fact that SMS does not provide the sender with any delivery receipt (so the sender has no way of knowing if a message does not go through) and the fact that, because

² / See Comments of ATIS at 8 – 9, 14 – 15, and Appendix 1; Comments of APCO at 2 and 8 – 9; Comments of the National Association of State 9-1-1 Administrators (“NASNA”) at 3 – 4; Comments of CTIA at 7 – 8; Comments of AT&T at 4 – 6; Comments of Sprint Nextel at 6 – 12; Comments of T-Mobile at 10 – 13; Comments of Verizon at 6 – 8; Comments of Motorola Mobility at 3 – 5; Comments of 4G Americas at 9 – 10. See also *NPRM* at ¶ 53.

³ / *NPRM* at ¶ 53.

SMS is not session-based, the network does not identify one message as being associated with another message from the same user.⁴ Moreover, SMS provides no means for authentication and is susceptible to “spoofing” and spam.⁵

On December 12, 2011, the Alliance for Telecommunications Industry Solutions (“ATIS”) issued the Report and Recommendations of the ATIS Interim Non-Voice Emergency Services (“INES”) Incubator, which conducted a technical review of commercially-available text-based communications solutions. A copy of this report was submitted to the record of this proceeding as Appendix 1 to ATIS’ comments.⁶ After examining the potential use of SMS as an interim emergency communications solution, the ATIS INES Incubator concluded:

SMS has significant limitations and shortcomings that do not make SMS suitable for emergency communications, especially under life threatening conditions. SMS will never be as robust and reliable as voice-to-PSAP *and these limitations will likely pose a significant risk to individuals’ safety and well-being.*⁷

Various 9-1-1 technology and software providers have filed comments asserting that the significant limitations and shortcomings of SMS can be overcome, primarily through the use of the commenter’s service or proprietary solution. As Sprint Nextel noted, however, these commenters’ proposals are based on limited trials (at best) and there is not enough data to show that these proposals are reliable.⁸ SouthernLINC Wireless agrees with Sprint Nextel that it would therefore be premature to move forward with an interim solution based on these proposals without further analysis and data. Furthermore, as T-Mobile noted, “[N]o set of modifications to

⁴ / See, e.g., Comments of Sprint Nextel at 12; Comments of T-Mobile at 10 – 13.

⁵ / See, e.g., Comments of ATIS at 14 – 15; Comments of Sprint Nextel at 12; Comments of CTIA at 7 – 8.

⁶ / Comments of ATIS, Appendix 1 (“ATIS INES Incubator Report”).

⁷ / ATIS INES Incubator Report at 34 (emphasis added).

⁸ / Comments of Sprint Nextel at 9.

the existing CMRS SMS networks can be implemented rapidly, as all would need to be tested to make sure they can actually work within an operational 911 setting, and then carriers and PSAPs would have to install the necessary capabilities.”⁹ As T-Mobile observed, this process alone would take at least a few years and consume the bulk of the interim period prior to the deployment of long-term NG911 solutions.¹⁰

B. Implementing an Interim SMS-Based Solution Would Impose Significant Costs and Divert Valuable Resources From NG911

In order to get a sense of the scale of time and resources necessary to implement an interim SMS-based solution, the Commission should look to the measures that would be required to address the most significant limitation of SMS; namely, the lack of location information.

On existing CMRS networks, SMS messages are sent to a Short Message Service Center (“SMSC”) that provides a store-and-forward mechanism to queue the SMS message and forward it to the recipient.¹¹ The SMSC is generally a part of the carrier’s master switch, and a single SMSC thus handles all SMS messages sent over the carrier’s network across a large (often multi-state) geographic area. Because SMS messages are received at the SMSC without any location information, not even information linking the SMS message to the cell site transmitting the message, there is no way for the SMSC to determine which of the potentially hundreds of PSAPs within its service area an SMS 911 message should be sent to.

Although most handsets now on the market are equipped with a GPS chipset to automatically provide precise location information when the user makes a voice call to 911, sending an SMS message will not trigger the GPS chipset to send location information.

⁹ / Comments of T-Mobile at 12.

¹⁰ / *Id.*

¹¹ / See ATIS INES Incubator Report at 34.

Implementing any solution that would enable an SMS message to trigger the sending of GPS-based location information would involve a software or chipset upgrade that would effectively require every carrier to “touch” or replace every handset in its customer base. As the Commission is well aware from its experience with the implementation of its wireless E911 Phase II location accuracy requirements, such a process is extraordinarily complex, can take several years, and demands substantial resources. Moreover, every SMSC in the county would need to be upgraded or replaced to enable the receipt and appropriate processing of GPS location information, and this step could only be taken after appropriate industry standards have been developed and adopted. Even implementing a solution that would provide more rudimentary location information, such as the location of the cell site handling the SMS 911 message, would require the upgrade or replacement of the SMSC to enable it to extract this information when an SMS 911 message is received.

In addition to the changes required to carriers’ networks, the PSAPs themselves would have to be updated to be capable of receiving SMS-based 911 messages and any associated location information.¹² The PSAPs would also need to establish procedures and conduct necessary training on the handling of SMS-based 911 messages.¹³ Moreover, the substantial time, effort, and resources demanded to address the provision of location information would still leave other significant shortcomings of SMS unaddressed, such as latency, reliability, the lack of real-time two-way communication, and authentication and security vulnerabilities.¹⁴

¹² / *See* Comments of APCO at 5; Comments of T-Mobile at 12.

¹³ / Comments of NASNA at 5; Comments of T-Mobile at 12.

¹⁴ / *See also* Comments of APCO at 8 – 9 (describing how the technical limitations of SMS affect the ability of PSAPs to process and handle text-based 911 messages).

Overall, the implementation of an interim SMS-based 911 solution would be a multiyear, multi-million dollar effort that would impose a substantial burden in particular on regional and rural carriers with more limited resources, as well as on PSAPs and state and local governments and public safety agencies, many of whom are already facing serious budget restrictions. Furthermore, SMS is not supported in any of the 3GPP or ATIS standards currently under consideration for NG911,¹⁵ which means that little (if any) of this substantial investment in SMS-based solutions could be subsequently leveraged into the deployment of long-term NG911 applications.

SouthernLINC Wireless believes that the time, money, and resources necessary to implement an interim text-to-911 solution would be better spent on the development and deployment of long-term NG911 solutions that will enhance public safety. SouthernLINC Wireless therefore urges the Commission to refrain from mandating any interim “duct tape and baling wire” solution that would divert valuable public and private resources from the effort to make NG911 applications and services available to the public as rapidly and effectively as possible.

III. PRIORITIZATION OF 911 TRAFFIC

In its *NPRM*, the Commission suggests that one way to enhance consumers’ ability to contact 911 would be to prioritize 911 traffic over non-911 traffic and requests comment on this issue. SouthernLINC Wireless currently provides Wireless Priority Service (“WPS”) to eligible subscribers and thus has experience with the question of prioritization. Given that the intent of WPS is to enhance the communications capabilities of individuals who have been identified as having national security and emergency preparedness functions, the idea of adding 911 call

¹⁵ / See ATIS INES Incubator Report at 15 – 16.

prioritization to the mix raises questions regarding how this prioritization would work as a practical matter, as well as questions regarding how regulations implementing 911 call prioritization would interplay with the regulations governing WPS.

When a cell site is overloaded, callers are placed into queue for the next available channel. WPS prioritizes the placement of WPS-eligible callers into this queue, but this process gives a WPS-eligible caller priority within the queue to obtain a channel for a phone call only when one becomes available. It does not preempt any ongoing communications on an occupied channel, regardless of whether the ongoing communication is “priority” or not. SouthernLINC Wireless’ iDEN technology and network was not designed for phone call preemption, and adding this capability – to the extent it is even possible to do so – would require a major and costly redesign and retrofit.¹⁶

While it may be feasible to use WPS network protocols to prioritize calls to 911, even this measure would, at a minimum, require significant changes to be made throughout existing networks to enable 911 calls to be uniformly recognized at every cell site as priority calls. In addition, the inclusion of 911 calls in WPS could result in competition for or interference to network access for other WPS-eligible users.¹⁷ For example, during large-scale emergencies such as the East Coast earthquake or Hurricane Irene, high volumes of prioritized 911 calls could overwhelm and effectively block efforts by other WPS-eligible users – such as government officials, public safety, and other emergency responders – to get access to the network. It is also unclear how the Commission envisions the prioritization of 911 calls would interplay with the prioritization of WPS calls and, during a crisis situation, how carriers would prioritize all of these calls.

¹⁶ / *See, e.g.*, Comments of AT&T at 9; Comments of Verizon at 20 – 21.

¹⁷ / *See, e.g.*, Comments of AT&T at 9.

Moreover, SouthernLINC Wireless agrees with other commenters that prioritization of 911 calls on wireless networks would not address the problem in the first place, since the critical bottleneck is not on these networks but at the PSAPs, where the ability to handle 911 calls is limited by the capacity of the trunk running to the PSAP and by the level of staffing at the PSAP itself.¹⁸ The prioritization of 911 calls would only further overwhelm PSAP staffs and resources.

SouthernLINC Wireless submits that the most effective way to address the issue of ensuring that 911 calls can get through during critical mass emergencies is through consumer education. In particular, SouthernLINC Wireless agrees with other commenters that the Commission and public safety can play an essential role in educating the public on alternative means of communicating amongst themselves to check on the safety of loved ones during times of emergency or to request information from government officials. For example, texting to family and friends rather than calling each other or calling appropriate government offices rather than dialing 911 to obtain general information would reduce the demands placed on networks and on PSAP resources during emergencies, thus improving the chances that *bona fide* 911 calls will be able to get through when needed.

IV. FACILITATING THE DEPLOYMENT OF NEXT GENERATION 911 SOLUTIONS

SouthernLINC Wireless agrees with numerous commenters that the efforts and resources of the Commission, industry, and public safety must be focused on the deployment of NG911 solutions and applications.

As an initial step, the Commission should continue to encourage and facilitate the standards development process that is already ongoing for NG911 and avoid any premature

¹⁸ / See Comments of T-Mobile at 16-18; Comments of AT&T at 6 and 9-10; Comments of 4G Americas at 11 – 12.

actions, such as the adoption of any mandatory requirements, that could deflect from or disrupt this process. In particular, SouthernLINC Wireless urges the Commission to exercise caution when considering performance claims and proposals involving technologies and solutions that have not yet been fully tested or vetted by industry standards bodies. As previously demonstrated by the industry's experience in implementing the Commission's wireless E911 Phase II location accuracy requirements, the actual performance of a particular technology or solution does not always match the vendor's claim, which can result in the waste of substantial time and resources on solutions that are ultimately unsuitable.

In addition, SouthernLINC Wireless agrees that it is vital to ensure that all persons involved in the handling any aspect of an emergency communication, including network providers and PSAP staff, have unambiguous protection from liability under federal or state law.¹⁹ As Motorola Solutions stated, "National consistency in liability protection will be essential to encouraging investment and promoting a smooth NG911 transition."²⁰

SouthernLINC Wireless joins Motorola Solutions and other commenters in urging the Commission to promote the development of uniform liability protections at the state and local levels and to work with Congress to establish uniform liability protection nationwide.²¹

Finally, the Commission must give serious consideration to the issue of funding for NG911. As the Rural Cellular Association ("RCA") stated, "For many rural and regional carriers, maintenance of *current* 911 systems continues to be a significant challenge."²²

SouthernLINC Wireless agrees with RCA that the Commission should identify new funding

¹⁹ / See Comments of CTIA at 8; Comments of AT&T at 15 and 22 – 23; Comments of Motorola Solutions at 5 – 6; Comments of US Cellular at 14 – 16.

²⁰ / Comments of Motorola Solutions at 6.

²¹ / *Id.*; Comments of AT&T at 23.

²² / Comments of RCA at 4 (emphasis in original).

models and ensure that they will be sufficient to meet the tremendous resource needs of NG911 deployment.²³ SouthernLINC Wireless further believes that RCA's suggestion of forming a Blue Ribbon Panel of stakeholders to address the availability and allocation of funding for NG911 has merit and warrants consideration by the Commission.²⁴

V. NG911 DEPLOYMENT SHOULD BE COORDINATED ON A STATEWIDE LEVEL

SouthernLINC Wireless agrees with the majority of commenters that PSAPs should be required to demonstrate that they have the actual capability to receive and utilize NG911 services before a service provider is obliged to provide such services.²⁵ This approach, which proved highly successful in facilitating the efficient deployment of wireless E911 Phase II location services, provides an incentive for state and local jurisdictions to implement NG911 capabilities and enables service providers to most efficiently allocate their resources for the deployment of NG911 to those areas where it will be most immediately available to and usable by the public.

SouthernLINC Wireless also agrees that NG911 deployment should be coordinated at the state level and that the certification of PSAP readiness necessary to trigger service providers' implementation obligations should be made on a statewide basis.²⁶ A statewide approach to the deployment of NG911 would encourage coordination between service providers and state and local public safety agencies and PSAPs, thus making the deployment of NG911 more efficient and eliminating or at least mitigating issues created by the adoption of different technical

²³ / Comments of RCA at 3 – 4.

²⁴ / Comments of RCA at 6.

²⁵ / *See, e.g.*, Comments of CTIA at 15; Comments of APCO at 15; Comments of NASNA at 8; Comments of NENA at 19.

²⁶ / Comments of CTIA at 15 – 16; Comments of NASNA at 8; Comments of Sprint Nextel at 23; Comments of Verizon at 12 – 15.

solutions by neighboring jurisdictions.²⁷ In addition, the deployment of NG911 on a statewide basis would significantly reduce public confusion regarding the capabilities of the local PSAP.²⁸

PSAP consolidation must be considered in order for NG911 to be successfully implemented.²⁹ In many parts of the country, PSAPs serve small jurisdictions – a single county or even an individual town or city within a county. Unfortunately, RF does not recognize jurisdictional boundaries. This multiplicity of PSAPs decreases the odds that each wireless 911 call will be initially delivered to the proper 911 center to dispatch assistance to the caller’s location and, thus, increases the odds that the call may need to be transferred among PSAPs. Adding texting, pictures, and video to the mix of communications going to 911 highlights the need to enhance the prospects for those communications to be delivered to the right center the first time. The end goal of 911 is to be able to send help where help is needed as quickly as possible.

Furthermore, by consolidating some of these PSAPs, state and local governments will be able to recognize significant cost savings and efficiencies since fewer PSAPs will need to be equipped and staffed for NG911.³⁰ With the current state of the economy, government at all levels faces funding constraints, highlighting the need to examine thoroughly all options for delivering quality services to citizens in a cost effective manner, including 911 services. A statewide approach to the coordination and implementation of NG911, including the consolidation of PSAP resources, would increase the possibility that reliable NG911 services will be available for consumers in a timely and cost effective manner.

²⁷ / Comments of CTIA at 16.

²⁸ / *Id.*; Comments of T-Mobile at 9.

²⁹ / *See* Comments of RCA at 2 – 4.

³⁰ / Comments of RCA at 3 – 4.

VI. THE FRAMEWORK FOR NG911 DEPLOYMENT MUST TAKE INTO ACCOUNT THE IMPACT ON NON-NATIONWIDE REGIONAL AND RURAL SERVICE PROVIDERS

As it considers the overall framework for the deployment of NG911 services, the Commission must take into account the disparate impact that NG911 deployment will have on regional and rural carriers.³¹ As the Commission's experience with wireless E911 Phase II service demonstrated, the deployment of new network technologies places a significant burden on the more limited resources of Tier II and Tier III carriers, and such carriers have in the past found themselves "pushed to the end of the line" in their efforts to obtain needed technology and equipment.³² Although the Commission issued a blanket order granting additional time for smaller regional and rural carriers to comply with the E911 Phase II requirements,³³ numerous Tier III carriers were compelled to seek further waivers from the Commission.

On the basis of this experience, SouthernLINC Wireless submits that the Commission should stagger any timeframes that it may adopt for NG911 deployment to provide regional and rural carriers additional time to deploy NG911 services in a reasonable and cost-effective manner in light of their operational constraints and their more limited access to resources, equipment, and technology. In addition, the Commission should consider at the outset adopting as part of its framework a reasonable waiver process with clear and reasonable standards that would permit

³¹ / Comments of RCA at 7 – 10; Comments of the Blooston Rural Carriers at 5.

³² / The Commission has previously acknowledged that Tier II and Tier III carriers "have much less ability than the nationwide CMRS carriers to obtain the specific vendor commitments necessary" to carry out their E-911 obligations and are often pushed to the end of the supply line by vendors. *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841, 14844 (2002).

³³ / *Id.*

regional and rural carriers to obtain waivers of certain NG911 implementation obligations on an individualized basis.

VII. CONSUMER EXPECTATIONS AND CONSUMER EDUCATION

As the Commission recognizes in the *NPRM*, consumer education will be essential to the successful implementation of NG911. SouthernLINC Wireless is concerned, however, that the imposition of mandatory education and disclosure requirements on service providers would not only be burdensome but would also create a significant risk of overwhelming and confusing consumers. SouthernLINC Wireless agrees with Verizon that service providers have ample incentive to caution their customers about the capabilities and limitations of 911 emergency services in their service area and that mandatory disclosure requirements are therefore unnecessary.³⁴ SouthernLINC Wireless also agrees with Verizon that while the various disclosure methods mentioned in the *NPRM* may have merit – such as bill inserts, point-of-sale literature, and online information – the effectiveness of these methods may vary significantly among service providers.³⁵ The Commission should therefore encourage the development of best practices that would give service providers sufficient flexibility to ensure that their customers are informed but not overwhelmed or confused regarding NG911.

SouthernLINC Wireless also submits that there is a substantial role for the Commission to play in the area of consumer education. In particular, SouthernLINC Wireless shares the concern expressed by Sprint Nextel that recent Commission pronouncements regarding NG911 and recent text-to-911 trials may be creating a false impression among consumers that such services are already available and may even be widely available.³⁶ SouthernLINC Wireless

³⁴ / Comments of Verizon at 17.

³⁵ / Comments of Verizon at 17.

³⁶ / Comments of Sprint Nextel at 8; *See also* Comments of APCO at 10.

therefore urges the Commission to take this opportunity to advise consumers that text-to-911 and NG911 services are not available at present and likely will not be available in the near-term.³⁷ SouthernLINC Wireless also urges the Commission to be more mindful of the expectations its pronouncements are raising among consumers and the potential of these pronouncements to create false impressions that, in the context of calls for emergency assistance, can have severe consequences.

³⁷ / See Comments of APCO at 10 (“[T]hose conducting [text-to-911] trials, the FCC, and other interested parties should provide clear, consistent educational messages that these are only trials and that nationwide text-to-911 is not yet available.”).

WHEREFORE, THE PREMISES CONSIDERED, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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Dated: February 9, 2012