

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

**REPLY COMMENTS OF T-MOBILE USA, INC.**

**INTRODUCTION AND SUMMARY**

T-Mobile USA, Inc. (“T-Mobile”) hereby replies to comments in response to the Commission’s Notice of Proposed Rulemaking on facilitating the deployment of next generation 911, including text to 911.<sup>1</sup> The comments by both carriers and public safety confirm that the promise of NG911 – when fully implemented, will provide new capabilities for the public to communicate with first responders, including with text and possibly video. Moreover, as ultimately implemented, NG911 will provide public safety with a network that permits more regional load sharing, redundancy and disaster recovery. The comments also confirm, however, that these capabilities -- including the development and deployment of text-to-911 capabilities -- can be realized only with a focus on the end-to-end solution. Mandating piece parts, such as carrier capability to send text messages, will not help in the absence of the PSAPs’ ability to

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<sup>1</sup> *In the Matter of 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).

receive and process the information. Indeed, as public safety representatives make plain, mandating text-to-911 implementation before PSAPs are ready and without adequate consumer education can actually harm public safety by diverting callers from placing voice calls, which are more informative and helpful to PSAP call takers.

In its opening comments, T-Mobile suggested employing the approach used for CMAS, in which standards were developed in close cooperation between public safety, carriers and other stake holders. Following development of the standards, the CMAS model allowed carriers to voluntarily participate, but carriers had an incentive to participate to be perceived as 'safe' and remain competitive. The comments underscore that non-voice NG911 poses an even greater challenge to implement than voice because consumers will have to be aware of which capabilities are available in various locations. We continue to believe that CMAS provides a useful model for the FCC to follow here.

With respect to mandating an interim SMS-to-911 capability prior to the development of long-term IMS-based text-to-911 and PSAPs' implementation of NG911, both industry and public safety oppose such a mandate, particularly if applied to the general public and not limited to providing access to persons with hearing or speech disabilities. SMS-to-911 is not a SIP-based solution, and thus is a technological deadend that will have to be replaced for NG911 deployment. Implementing any kind of direct SMS-to-911 capability will thus divert both public safety and carrier resources from the development and deployment of long-term text-to-911 solutions.

For the near-term, for individuals with hearing or speech disabilities, the comments confirm that IP Relay is the only feasible interim solution. Direct SMS-to-911 is not a feasible interim solution as it requires changes both to carrier networks and to PSAPs. Proffered

“interim” solutions to provide direct access all either require a long period to implement or rely on PSAP capabilities such as TTY that are not sized for general public use, and that present their own technical problems. With respect to indirect SMS-to-911, a national SMS relay system does not exist today, and would have to be created and funded, which also cannot be accomplished rapidly.

Finally, the comments encourage further study of priority access for 911 calls to ensure that priority access will not be counterproductive, because of limits on PSAP answering capabilities.

**I. THE COMMENTS, INCLUDING FROM PUBLIC SAFETY, CONFIRM THAT THE COMMISSION SHOULD NOT ADOPT AN INTERIM SMS-TO-911 MANDATE FOR GENERAL CONSUMER USE.**

**A. Public Safety Does Not Support a General Use Interim SMS-to-911 Mandate.**

Wireless carriers and public safety entities agree that the Commission should focus on long-term text to 911, rather than diverting substantial resources to an interim SMS-to-911 mandate. Neither the ATIS INES Report nor the EAAC Report supported the deployment of a general use interim SMS-to-911 mandate.<sup>2</sup> Both identified relay services as the most feasible near-term option. However, as the ATIS INES Report points out, establishing an SMS Relay would require creating an infrastructure that does not exist, while IP Relay already provides individuals with hearing or speech disabilities the ability to use instant messaging to reach 911.

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<sup>2</sup> See Comments of Alliance for Telecommunications Industry Solutions, Appendix 1, *ATIS Interim Non-Voice Emergency Services (INES) Report and Recommendations*, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“ATIS INES Report”); *Emergency Access Advisory Committee (EAAC) Report and Recommendations*, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“EAAC Report”).

Significantly, there was *no* support among public safety for an SMS-to-911 capability that extended beyond persons with hearing and speech disabilities to the general public.<sup>3</sup> As APCO summarizes, “there are serious, inherent deficiencies in SMS as a 9-1-1 delivery mechanism. While SMS may be appropriate as a near-term solution for limited circumstances, it is not a long-term solution for the general public.”<sup>4</sup> Public safety confirms that other than for hearing/speech impaired, there is not a substantial need for SMS to 911: the “silent call” scenario is extremely rare.<sup>5</sup> In fact, the Boulder Regional Emergency Telephone Service Authority and the Colorado 9-1-1 Task Force make the point that a voice call, when possible, is the most efficient and effective means of public communication with 911, because of the ability for the call taker to hear the caller’s voice, gauge levels of stress and emotion, and hear background clues, and thus voice calls should be the preferred method of public interaction with 911.<sup>6</sup> PSAPs also raise concerns that adding a general public SMS-to-911 capability will add to PSAP workload at a time of staffing cuts.<sup>7</sup>

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<sup>3</sup> See Comments of APCO International, 2, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011)(“APCO Comments”)(“SMS for text-to-911 capability should not be mandated for wide-spread use by the general public in normal circumstances.”); Comments of National Association of State 911 Administrators, 4, PS Docket Nos. 11-153, 10-255 (filed Dec. 9, 2011)(“NASNA Comments”)(“Deployment of interim short-term text-to-911 must be strictly voluntary and limited to assisting the deaf and hard of hearing community.”).

<sup>4</sup> APCO Comments, 2.

<sup>5</sup> See Comments of King County E911 Program 3, PS Docket Nos. 11-153, 10-255 (filed Dec. 13, 2011) (“King County Comments”); Boulder Regional Emergency Telephone Service Authority and the Colorado 9-1-1 Task Force, 17, PS Docket Nos.11-153, 10-255 (filed Dec. 12, 2011) (“Boulder/Colorado Comments”)(“The vast majority of calls to 9-1-1 do *not* involve silent call scenarios and are not from the speech and hearing impaired community”)(emphasis in original).

<sup>6</sup> See Boulder/Colorado Comments, 14-15, 17. See also NASNA Comments, 4.

<sup>7</sup> See NASNA Comments, 5; APCO Comments, 9.

APCO details a host of concerns with SMS, many of which parallel concerns already raised by carriers. These include:

- The inability of PSAP personnel to listen to background audio or caller’s tone of voice.
- Delivery delay issues and “conversations” that may take longer to complete due to the need to type messages.
- The inability to comfort a caller adequately who may be stressed or upset.
- The lack of resources sufficient to provide emergency medical instructions via text conversation.
- Lack of commercial services for assisting with handling non-English text calls.
- Lack of accurate automatic location information for text-to-911.
- Latency if an SMS relay system is used.
- Interim solutions may not route text calls into the PSAP automatic call distribution systems or to their logging and recording systems.<sup>8</sup>

Neustar’s proposal does not ameliorate the concerns raised by public safety with respect to an SMS-to-911 communications channel for general public use (*i.e.*, other than for individuals with speech or hearing disabilities). Further, Neustar appears to assume that PSAPs are configured to be able to receive a high volume of messages over their TTY facilities – which today are subject to relatively low usage. There is no basis for such an assumption. Indeed, APCO points out that “call receipt and processing capacity limits become an issue insofar as responding to texts is likely to require significantly more time per ‘call,’ especially in the early

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<sup>8</sup> See APCO Comments, 8-9.

stages of text-to-911 capability. That will increase the likelihood of PSAPs hitting capacity limits, leading to slower response times.”<sup>9</sup>

These concerns raised by public safety make a collaborative CMAS-type approach to text-to-911, as T-Mobile advocated in its comments, all the more appropriate.

**B. Direct SMS-to-911 is a Technological Deadend that will Divert Resources from Longer Term NG911 Deployment.**

As APCO states, “Short-term solutions that involve direct communications with 9-1-1 must be able to easily transition to the long term RTT/SIP solutions of the future or the costs involved may not be funds well spent.”<sup>10</sup> NENA points out, “whether an interim text messaging solution is application-, relay-, or SMS-based, how messages are received and processed in PSAPs is of equal importance to how they are originated from subscriber equipment. Because of the high cost of PSAP upgrades and the imminent need to upgrade PSAP equipment, software, and service processes to NG9-1-1 capabilities, NENA considers it important that any interim text messaging solution leverage, to the maximum extent possible, existing assets and service processes.”<sup>11</sup> Direct SMS-to-911 cannot meet these tests because they fundamentally pursue a different technological path than NG911 solutions.

Longer term text-to-911 solutions all are SIP (Session Initiation Protocol) –based, operating on advanced wireless networks. By contrast, as ATIS explains, SMS is not a SIP-based communication, but “uses protocols such as the Mobile Application Part (MAP) inside a

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<sup>9</sup> *Id.*, 6.

<sup>10</sup> *Id.*, 7.

<sup>11</sup> Comments of the National Emergency Number Association, 4, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“NENA Comments”).

network, or External Machine Interface (EMI) an extension to Universal Computer Protocol (UCP), or Short Message Peer-to-Peer (SMPP) between SMS message centers and gateways.”<sup>12</sup> Even if SIP is used for delivery to PSAPs, ATIS notes that “this option may slow the deployment of SMS-to-911 due to its impacts on message centers and gateways.”<sup>13</sup>

All of this means that direct SMS-to-911 as an interim solution would necessitate capital investment by providers, and possibly PSAPs, in hardware and software that will become unnecessary. Because capital is limited, this necessarily diverts resources from other priorities, including the development and deployment of the wireless broadband networks that will support true NG911 and its associated text-to-911 capabilities.

**C. The Record Confirms that SMS-to-911 is not Technically Feasible as a General Market Interim Solution.**

As desirable as it would be to have a technically feasible interim SMS-to-911 solution that could be implemented with little change to carrier networks or to PSAPs, no such solution exists. ATIS INES conducted an exhaustive review of short-term text-to-911 solutions, and concluded that SMS to 911 was not feasible as a short term solution.<sup>14</sup> A substantial part of the EAAC report questioned the technical feasibility of direct SMS-to-911, and advocates for that solution simply relied on a faith that if SMS-to-911 was mandated, solutions would be developed, without any technical basis for this belief.<sup>15</sup>

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<sup>12</sup> Comments of Alliance for Telecommunications Industry Solutions, 14-15, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“ATIS Comments”).

<sup>13</sup> *Id.*, 15.

<sup>14</sup> *See generally* ATIS INES Report.

<sup>15</sup> Compare Accompanying Statement of the Industry Members of the EAAC (December 7, 2011)(comment on Recommendation P2.2), EAAC Report, 65-66, *with* Statement of Sheri

The FCC is not legally permitted to engage in faith-based rulemaking. As the courts have said, “the bar against arbitrary and capricious decision-making” “ma[kes] necessary” inquiries into the “technical and economic feasibility” of a proposed requirement.<sup>16</sup> “Impossible requirements imposed by an agency are perforce unreasonable.”<sup>17</sup> While the Commission may rely on reasonable predictive judgments, those judgments must be based on record evidence.<sup>18</sup> Here, the record evidence does not support a prediction that SMS-to-911 is a technically feasible interim solution.

NENA, while generally supportive of the ATIS INES evaluation process, voices a concern that ATIS INES’ conclusions may have been skewed by the ATIS INES’ requirement that an interim solution be capable of being implemented by June 30, 2012.<sup>19</sup> With respect to an SMS-to-911 capability that went directly from the user to the PSAP, rather than through a relay center, one constraint (of many) noted by ATIS INES is that “SMS capabilities would need to be deployed in PSAPs.”<sup>20</sup> Extending INES’ June 2012 deadline to, for example, July 2013, would not meaningfully have changed this conclusion; in the current budget environment, it is unlikely that a significant number of PSAPs could have upgraded within 18 months, particularly if they were not already doing so voluntarily.

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Farinha (December 6, 2011), EAAC Report, 69 (“[i]t has been my experience that once a service is required, suddenly solutions are viable and sound.”).

<sup>16</sup> *Nuvio Corp. v. FCC*, 473 F.3d 302, 303 (D.C. Cir. 2006).

<sup>17</sup> *Alliance for Cannabis Therapeutics v. DEA*, 930 F.2d 936, 940 (D.C. Cir. 1991).

<sup>18</sup> *See BellSouth Telecomms., Inc. v. FCC*, 469 F.3d 1052, 1060 (D.C. Cir. 2006) (“We cannot overlook the absence of record evidence . . . simply because the Commission cast its analysis as a prediction of future trends”; “the deference owed agencies’ predictive judgments gives them no license to ignore the past when the past relates directly to the question at issue.”).

<sup>19</sup> *See* NENA Comments, 3.

<sup>20</sup> ATIS INES Report, 35.

The study by the University of Colorado Interdisciplinary Telecommunications Program, while interesting, also does not support a prediction of the technical feasibility of SMS-to-911 as an overall emergency communications system. Most significantly, the study does not address the technical and economic feasibility of establishing an end-to-end SMS-to-911 capability, nor the time needed to do so. Even if an SMS message could be transmitted to a PSAP, the PSAP must have both the technical capability and the staffing to respond to the message. As the public safety agencies made plain in their comments, other than for a very small volume of texts, PSAPs are not likely to be able to provide sufficient staffing for widespread SMS-to-911. In addition, some of the study's conclusions appear to be flawed. For example, comparing the time required to compose an initial SMS message to 911 and hit send, with the time required to set-up a 911 call, excludes a substantial benefit of voice calls – the speed with which the entire two-directional transaction can occur with all critical information exchanged. As discussed above, SMS is likely to be slower for the entire communication and information exchange than voice.<sup>21</sup>

None of the solutions promoted by the various vendor commenters is implementable in the short term as an interim solution. In the first instance, although each of these solutions purports to address some of the most fundamental problems with SMS-to-911 – including lack of location information, limits on message size (only 160 characters to avoid a series of messages that would have to arrive in order), lack of assurance that messages will be delivered at all, in a timely manner, or in order, lack of confirmation that a message is sent, lack of security, and lack of support for three digit dialing patterns – none addresses all of these problems nor do any of the solutions provide a coherent picture of how an end-to-end SMS-to-911 system could operate,

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<sup>21</sup> See text accompanying n. 6 to n. 10, *supra*.

including the resources and implementation timeline needed for both carriers and PSAPs.<sup>22</sup> Many of these would also require carrier and PSAP upgrades that do not make them good candidates for an interim solution that can be rapidly implemented on an end-to-end basis. And none of these solutions solve the basic problem of how to address text-to-911 on a uniform, nationwide basis, as public safety agencies all state is necessary.<sup>23</sup>

Intrado again puts forward its proprietary technological solution. However, this system has many flaws. King County points out that the Washington State E911 Advisory Committee declined to recommend Intrado's solution because each PSAP required its own five digit short code in order to be routed correctly, unless all texts were sent to only one PSAP in the state.<sup>24</sup> Washington found neither of those options to be feasible.<sup>25</sup> Moreover, as Intrado's comments make clear, its solution requires substantial modifications to both carrier and PSAP networks, including installing several different pieces of special purpose equipment in the carrier network,

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<sup>22</sup> See Comments of T-Mobile USA, Inc., 10-11, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) ("T-Mobile Comments"); 4G Americas, *Texting to 9-1-1: Examining the Design and Limitations of SMS* (October 2010), 5, available at <http://www.4gamericas.org/documents/SMS%20to%20911%20White%20Paper%20Final%20October%202010.pdf>. See also Comments of 4G Americas, 9, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) ("4G Americas Comments"); ATIS INES Report, 34.

<sup>23</sup> See NENA Comments, 17; King County Comments, 7; NASNA Comments, 9; Boulder/Colorado Comments, 10.

<sup>24</sup> See King County Comments, 5

<sup>25</sup> See *id.*

and IP connectivity and call handling equipment in the PSAP.<sup>26</sup> As 4G America's points out, SMS message centers and gateways do not currently support SIP.<sup>27</sup>

Neustar proposes a solution that would translate an SMS message into an analog TTY message. This approach appears to have several practical problems. First, as Neustar acknowledges, many PSAPs have only a limited number of TTY-equipped answering stations.<sup>28</sup> The capital investment required to handle the much larger volume of messages that would result from a general public SMS-to-911 system could be substantial for cash-strapped PSAPs. Moreover, investment in TTYs – a technology that few deaf, hard-of-hearing or speech impaired individuals use and the use of which has been declining sharply year over year – is a deadend investment.<sup>29</sup> Second, as the ATIS INES report points out, TTY is asynchronous and uses Baudot tones, transmitting at only 50 baud.<sup>30</sup> As Neustar acknowledges, the half-duplex nature of TTY can lead to messages being garbled if the texter and PSAP call taker send messages over the top of one another.<sup>31</sup> While Neustar suggests that they can address this by adding “GA” to the end of the PSAP's message and holding any further incoming messages from the texter until

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<sup>26</sup> See Comments of Intrado, Inc., 7-9, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“Intrado Comments”).

<sup>27</sup> See 4G Americas Comments, 10.

<sup>28</sup> See Comments of Neustar, Inc., 4 n.7, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“Neustar Comments”).

<sup>29</sup> In November 2011, for example, only about 3 percent of the minutes compensated by the Interstate TRS Fund were for TTY. See <http://www.r-l-s-a.com/TRS/reports/2011-11TRSSstatus.pdf> (last accessed Feb. 7, 2012). TTY minutes compensated by the Interstate TRS Fund have dropped by approximately 40% since 2008. See <http://www.r-l-s-a.com/TRS/reports/TRSactproj112010.pdf> (last accessed Feb. 7, 2012).

<sup>30</sup> See ATIS INES Report, 5.

<sup>31</sup> See Letter from Aaron Goldberger, Neustar, to Marlene H. Dortch, FCC, 2, PS Docket Nos. 11-153, 10-255 (filed Feb. 3, 2012) (“Neustar Ex Parte Letter”).

the PSAP message is sent with a “GA” at the end, this potentially delays timely input from the texter.<sup>32</sup> Third, PSAP call takers can easily mistake a TTY call for a fax line call, and disconnect the TTY call.<sup>33</sup> As Neustar admits, “the human factor in handling [these] messages is significant.”<sup>34</sup> Fourth, as Neustar also concedes, some carriers will need to modify their location capabilities to route SMS messages to the appropriate PSAP. Fifth, while it is not clear from Neustar’s comments and ex partes, its February 3, 2012 ex parte refers to implementation using commercial location services.<sup>35</sup> If this is the case, rather than using 911 location based services, implementation of Neustar’s solution would not be possible for carriers that do not have licenses to use their E911 location technologies for commercial uses, and the negotiation of such licenses where they are not actually needed for commercial uses would add both implementation time and expense. Finally, Neustar states that it has patents pending, and would be willing to license at a reasonable fee, although it is not clear whether those licenses would be required by carriers, PSAPs or both.<sup>36</sup> However, given the troubled history of patents regarding E911 services, the Commission should make clear that Neustar’s, or any other vendor’s, recourse for licensing fees for mandated 911 requirements is to the United States pursuant to 28 U.S.C. § 1498.<sup>37</sup>

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*Id.*

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*See* ATIS INES Report, 4-5.

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Neustar Ex Parte Letter, 2.

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*See id.*

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*See id.*, 2.

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*See* Comments of Telecommunications Systems, Inc., 17-18, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“TCS Comments”).

TCS in its comments does not detail how its solution addresses all the challenges posed by SMS-to-911, although it asserts that it can provide accurate location information delivery.<sup>38</sup> As an overall solution, T-Mobile understands that TCS' technology would also require CPE upgrades at the PSAP and possibly other changes that make it unlikely to be able to be implemented quickly.

T-Mobile continues to support voluntary regional experimentation. While APCO is certainly correct that such regional variation could create customer confusion and could lead consumers not to place more efficient and informative voice calls, such continued voluntary efforts at least allow coordination between the long term NG911 implementation in an area and the burdens that an interim system would place on PSAPs and carriers.

**D. No Commenter Proposes a Solution for Increased Fraudulent Messages Using SMS-to-911.**

Several commenters, like T-Mobile, highlight issues related to the potential for fraudulent 911 communications with SMS-to-911.<sup>39</sup> Texas 9-1-1 Alliance makes clear that there should be no requirement to transmit SMS from non-service initialized phones.<sup>40</sup> Motorola Mobility warns “the increased anonymity and lack of location information associated with text-to-911” make it possible “that allowing these communications from NSI devices could lead to even more bogus and prank messages.”<sup>41</sup> Registration of a consumer at the time a text is sent will not prevent

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<sup>38</sup> See TCS Comments, 11.

<sup>39</sup> See T-Mobile Comments, 10-11 & n.7.

<sup>40</sup> See Comments of Texas 9-1-1 Alliance Comments, 6, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011). See also Comments of Motorola Mobility, Inc., 4, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“Motorola Mobility Comments”) (“SMS is not supported by non-service initialized (‘NSI’) mobile phones.”).

<sup>41</sup> Motorola Mobility Comments, 5.

abusive calls because a fraudulent caller can provide a false name during registration.<sup>42</sup> The Commission should not ignore the potential for fraudulent and abusive use of SMS-to-911, especially since SMS can be easily spoofed. The Commission should also carefully consider the potential vulnerabilities NSI texting could introduce to the NG911 networks.

## **II. FOR INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES, IP RELAY IS THE ONLY NEAR-TERM, NON-IMPACT SOLUTION.**

ATIS INES focused specifically on identifying interim solutions that could be used by persons with disabilities (rather than the general public) during the interim period until IMS-based text-to-911 becomes nationally available. ATIS INES included participants from carriers, 911 technology providers such as Intrado and TCS, and public safety organizations such as APCO and NENA.<sup>43</sup> ATIS INES identified only two possible interim solutions – IP Relay and SMS Relay.

ATIS INES's first choice recommendation for an interim solution to serve persons with disabilities that could be readily implemented was the Telecommunications Relay Service Internet Protocol Relay (IP Relay). IP Relay is available today to any hearing or speech impaired user with an IP capable mobile device, has a pre-existing set of national providers that are required to have the ability to route 911 calls to the appropriate PSAP, and can complete a call to any PSAP using the existing voice lines.<sup>44</sup> The user does need to have a messaging

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<sup>42</sup> See Intrado Comments, 17.

<sup>43</sup> See ATIS INES Report, 51.

<sup>44</sup> See *id.*, 15; T-Mobile Comments, 13-16.

application compatible with the IP Relay provider, and to know the address at which to reach the IP Relay provider.<sup>45</sup>

SMS Relay was the second choice, because it was favored by advocates for persons with disabilities.<sup>46</sup> However, no SMS Relay service exists today. To implement this as an interim solution, SMS Relay would have to be funded and created. This is not likely to be a rapid process, and will require any SMS relay provider to confront issues not only of equipping and operating call centers, but also finding trained communications assistants and staffing appropriately so that the SMS Relay Center does not become a bottleneck to processing SMS-to-911 communications and then delivering those calls to the appropriate PSAPs.

To the extent that the Commission implements an interim text-to-911 solution to facilitate communications from the deaf, hearing and speech impaired to 911, it should focus on the system it has already created for that purpose – IP Relay – rather than build yet another relay service.

### **III. COMMENTS CONFIRM THAT NG911 IMPLEMENTATION SHOULD BE AT A STATE OR REGIONAL LEVEL, NOT AT THE PSAP OR COUNTY LEVEL.**

Comments from both wireless carriers and public safety confirm that there need to be criteria or thresholds to govern when providers are required to provide NG911 services.<sup>47</sup> As Sprint and others suggest, county level should not be considered “regional.”<sup>48</sup> Indeed, ESInets

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<sup>45</sup> See ATIS INES Report, 30-31.

<sup>46</sup> *See id.*, 16.

<sup>47</sup> See NENA Comments, 17; King County Comments, 7; NASNA Comments, 9; Boulder/Colorado Comments, 10; Intrado Comments, 18; TCS Comments, 13-14.

<sup>48</sup> See Comments of Sprint Nextel Corporation, 23, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“Sprint Comments”).

should be encouraged to have broad geographic bases in order to maximize the redundancy and back-up benefits of NG911 in the event that one PSAP, or even a small regional group of PSAPs, should have to go offline (such as could occur with a significant weather event such as a hurricane or snow/ice storm).

Before conversion to NG911 delivery is mandated, all PSAPs on a state or regional ESInet should be connected to and ready to receive calls through the ESInet.<sup>49</sup> NENA's i3 standard contemplates that an ESInet would have gateways for PSAPs that are not yet IP-ready to continue to receive calls via TDM. This capability will provide a ready path to migrate to NG911 that does not require carriers to simultaneously maintain IP connections to an ESInet and analog connections to selective routers, while also permitting faster transitioning PSAPs to implement NG911 fully, ahead of the slowest PSAP in their region. Creating such a requirement would provide an incentive for ESInets to develop and include such gateways to non-IP-ready PSAPs, and for states/regions to ensure that all PSAPs are connected to the ESInet.

#### **IV. THE RECORD CONFIRMS THAT PRIORITIZATION OF 911 CALLS REQUIRES FURTHER STUDY TO ENSURE THAT IT WILL ACTUALLY BE NET BENEFICIAL TO THE PUBLIC RATHER THAN DETRIMENTAL.**

All carriers filing comments make basically the same point – there is no evidence that prioritization will increase 911 call completions, particularly in very high volume situations

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<sup>49</sup> See Sprint Comments, 23 (“States or regions requesting NG9-1-1 capabilities should be required to demonstrate they are capable of receiving NG9-1-1 information, and the Commission should not ask carriers to take steps to migrate toward NG9-1-1 without an indication of readiness.”); Comments of Verizon and Verizon Wireless, 12, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011) (“Any NG911 deployment obligations applicable to service providers’ IP-enabled services in a particular state should be premised on demonstrated capability and statewide application.”); Comments of CTIA – The Wireless Network, 15-16, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011).

when the PSAP is already likely to be overloaded.<sup>50</sup> The record provides no data-driven basis on which the Commission can conclude that PSAPs will actually be able to answer any 911 calls that are prioritized in access to the wireless carriers' Radio Access Networks or through the networks. Unless these calls can be answered by the PSAP, prioritization serves no purpose – other than to deprive some non-911 callers of the ability to complete calls that may also be of an emergency nature.

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<sup>50</sup> T-Mobile Comments, 16-18; Comments of AT&T, 8-10, PS Docket Nos. 11-153, 10-255 (filed Dec. 12, 2011); Verizon Comments, 20; 4G Americas Comments, 11-12.

## V. CONCLUSION

The Commission should focus its and stakeholders' attention where they can do the most good – developing and deploying NG911 networks, including IMS-based text-to-911 services. The Commission should not mandate wireless carriers to provide a direct SMS-to-911 for the general public, which both public safety agencies and carriers oppose. Instead, the Commission should continue to promote the use of IP Relay by persons with disabilities who attempt to contact 911. The Commission has already mandated IP Relay providers to support 911 calling. The Commission should also carefully further examine the question of prioritizing 911 calls to determine whether PSAPs will be able to handle the increased traffic during emergencies that are the most likely to cause network congestion.

Respectfully submitted,



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