



June 27, 2012

(Filed electronically)

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **Ex Parte Notice**
GN Docket No. 11-117
WC Docket No. 05-196
PS Docket No. 11-153
PS Docket No. 10-255

Dear Ms. Dortch:

On June 25, 2012, the Voice on the Net Coalition (VON) represented by Paula Boyd and Rachel Wolkowitz of Microsoft and Glenn Richards, Executive Director and Counsel for VON, met with Henning Schulzrinne, Office of Strategic Policy, Patrick Donovan, David Furth, David Siehl, Kylie Alexandria, Geoffrey Weyl and Zenji Nakazawa of the Public Safety and Homeland Security Bureau, and Karen Strauss and Cheryl King of the Consumer and Government Affairs Bureau to discuss VON's filings related to 911 requirements for IP-based text services.

VON understands the FCC's desire to find an interim solution to bridge the move from today's voice-based E911 system to a future Next Generation 911 ("NG 911") system. The FCC must carefully balance what is included in the interim step and what should remain part of the longer term NG 911 solution. Mandating too broad an interim step not only risks delaying the longer term NG911 solution by diverting resources that otherwise would have been invested in the NG911 system but also increases the potential complexity for consumers, public safety and industry, given the differences between wireless carriers' traditional SMS services and third party "over the top" messaging capabilities that are offered over broadband Internet access services.

In particular, VON suggested that to the extent the FCC defines an "SMS service" that must be transmitted to a Public Safety Answering Point ("PSAP") during this interim step to NG911, it should define it as an SMS service that is initiated on a mobile device and exclusively uses the mobile operator's SMS infrastructure. VON recommended that over-the-top IP-based messaging and text services that rely on the mobile operator's data network should be excluded from this interim step as they are precisely the type of communications capability for which NG911 is intended. Moreover,



over-the-top messaging applications, which are dependent on the availability of broadband Internet access, are less reliable than a wireless carrier's SMS text services that require no broadband availability and, moreover, very little bandwidth vis-à-vis voice or other data communications on a wireless carrier's network. For example, SMS services offered by a mobile operator often operate even where voice services do not and where their data network is unavailable.

Additionally, there currently are no location solutions for over-the-top applications – neither for routing a message to the appropriate PSAP nor to provide sufficient location information associated with the caller. Because an over-the-top message is provided over another provider's network – whether a wireless carrier, wireline carrier or a Wi-Fi hotspot – there is no real-time location information associated with the over-the-top message. Thus, to the extent an over-the-top messaging provider hires a vendor to receive 911 messages and transmit them to the appropriate PSAP, the vendor would have no location information upon which to appropriately route the message. And, unlike a voice 911 call, the vendor would be unable to ask the text originator his/her location.

While all of these challenges likely will be overcome in time – and are currently being addressed by the industry in the context of NG 911 -- they will impose significant costs and require the investment of substantial resources, particularly if they were now deemed "interim" solutions rather than long-term solutions. Therefore, VON believes that the FCC, in its NPRM, appropriately distinguished SMS-based systems *on mobile phones* from over-the-top IP-based messaging products, applications and services connected to a broadband service – whether on a mobile phone, PC, television set or any other Internet- connected device. The FCC should consider 911 for IP-based messaging services in connection with the implementation and development of NG 911 services.

Finally, in VON's opinion, there is no public policy justification for extending SMS-to-911 obligations to over-the-top IP text applications. There is no evidence that customers using over-the-top applications expect that they can use these applications to contact emergency services. It seems highly unlikely that a wireless user with both an SMS functionality and an over-the-top messaging application would in some instances choose to open an application, sign in and then send an "SMS" to a PSAP rather than simply using the wireless phone's SMS capability that (a) the customer likely uses on a near-daily basis, and (b) is readily available to the user without opening any application or providing sign-in information. In addition, over the top text services which are often offered without cost to the consumer will have a more challenging time managing the cost of providing access to 911, which could ultimately impact the features offered by these services.



June 27, 2012
Page 3

Finally, VON expressed its interest in working with Commission staff on developing effective solutions in an NG 911 environment for emergency communications using IP-based text applications and products.

Please contact me directly if you have any questions.

Sincerely,

/s/

Glenn S. Richards
Executive Director

cc: Karen Strauss (by email)
Henning Schulzrinne (by email)
Patrick Donovan (by email)
Cheryl King (by email)
David Furth (by email)
Kylie Alexandria (by email)
Geoffrey Weyl (by email)
David Siehl (by email)
Zenji Nakazawa (by email)