

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
Framework for Next Generation 911 Deployment)	PS Docket No. 10-255

**REPLY COMMENTS OF THE TEXAS 9-1-1 ALLIANCE, THE TEXAS
COMMISSION ON STATE EMERGENCY COMMUNICATIONS, AND THE
MUNICIPAL EMERGENCY COMMUNICATION DISTRICTS ASSOCIATION
TO THE PUBLIC NOTICE**

August 6, 2012

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Table of Contents

I.	Executive Summary	3
II.	The case for Commission nationwide E9-1-1 IP MLTS rules or best practices is well-justified.....	4
A.	As with Interconnected VoIP, the fact that the service may be “nomadic” is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices.....	6
B.	As with Interconnected VoIP, “dependency on user implementation” in the context of MLTS is not a valid reason for the Commission to delay in proceeding to promulgate nationwide rules or best practices, but rather, “user dependency” is a major reason for the Commission to move forward on an expedited basis to provide greater clarity to the business customer market and public safety.....	8
III.	Conclusion.....	11

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TO THE PUBLIC NOTICE**

The Texas 9-1-1 Alliance,¹ the Texas Commission on State Emergency Communications,² and the Municipal Emergency Communication Districts Association³ respectfully submit the following reply comments to the Federal Communications Commission (the “Commission”) Public Notice seeking comments on (1) the feasibility of Multi-Line

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

² The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the State of Texas' authority on emergency communications. CSEC administers the Texas state 9-1-1 program under which 9-1-1 service is provided through the state’s 24 regional planning commissions to approximately two-thirds of the geography and one-third of the population of Texas.

³ The Municipal Emergency Communication Districts Association is an association of 26 municipal emergency communication districts, primarily in the Dallas-Fort Worth area, as defined under Texas Health and Safety Code § 771.001(3)(A).

Telephone Systems (“MLTS”) manufacturers including sufficiently precise caller location information within all such systems after a certain date, as determined by the Commission,; and (2) the National Emergency Number Association’s (“NENA’s”) Technical Requirement Document on Model Legislation E9-1-1 for Multi-Line Telephone Systems (“NENA Model Legislation”).⁴

I. Executive Summary

As a general matter, in almost all Internet Protocol (“IP”) MLTS contexts, E9-1-1 solutions are feasible. The fact that the service may be “nomadic”⁵ is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices. Certain wireless IP and campus hot-spots and hybrid situations may present special and unique challenges, but these can be addressed separately via exceptions as the Commission has done in its wireless E9-1-1 rules to address mobile satellite services and wireless indoor location issues. Similarly, “dependency on user implementation for accurate location information”⁶ is not valid a reason for the Commission to delay promulgating MLTS rules or best practices. In fact, user dependency on user implementation is a major reason for the Commission to move forward on an expedited basis. There is a growing potential for confusion and concern between the correct and acceptable registered location under the Commission’s Interconnected VoIP E9-1-1 rules for the business customer market and the correct and acceptable registered location under E9-1-1 IP MLTS for the business customer market.

⁴ *Public Safety and Homeland Security Bureau seeks comment on Multi-Line Telephone Systems pursuant to the Next Generation 911 Advancement Act of 2012* (“Public Notice”), DA 12-798, CC Docket No. 94-102; WC Docket No. 05-196; PS Docket Nos. 07-114 and 10-255 (rel. May 21, 2012).

⁵ The Voice on the Net Coalition (“VON”) Initial Comments at pp. 2-3.

⁶ Telecommunications Industry Association (“TIA”) Initial Comments at p. 16.

If an Interconnected VoIP provider can meet its 9-1-1 obligations under existing Commission rules by simply directing its business customer located in a high-rise office building to register the building address as the “registered location,” then the Commission needs to promptly amend existing Commission E9-1-1 requirements or provide some educational best practices for the business Interconnected VoIP industry to remedy this issue. Similarly, given the feasibility of E9-1-1 MLTS solutions, if a seller of an IP Centrex, Hosted IP PBX, or any other Cloud IP MLTS system could possibly argue it is not “Interconnected VoIP” subject to Commission E9-1-1 requirements but is instead IP MLTS, then there is still no reasonable justification for permitting the building address to be used as the E9-1-1 location for every customer, office, or location within the building based on some arbitrary regulatory line or permissible loophole between providing business Interconnected VoIP and providing IP MLTS.

II. The case for Commission nationwide E9-1-1 IP MLTS rules or best practices is well-justified.

The initial comments overwhelmingly demonstrate that as a general matter in almost all IP MLTS contexts, E9-1-1 solutions are feasible.⁷ Moreover as pointed out by AT&T, the additional way to avoid any alleged “*unduly burdensome obligations*” is to focus on forward-looking IP-based systems.⁸ The comments of AT&T, Verizon, Avaya, 911 ETC, and Intrado all agree on the uncertainties and undesirable issues faced by the lack of nationwide standards for

⁷ NENA Initial Comments at pp. 3-7 (“Is it feasible for MLTS to adequately locate users who call 9-1-1? NENA believes that the answer to that question is a resounding ‘yes.’”); Intrado Initial Comments at pp. 2-4; Verizon Initial Comments at pp. 2-3.

⁸ AT&T Initial Comments at p. iii (“To the extent MLTS standards are developed, AT&T contends they should be forward looking solutions; that is, they should be focused on the future of voice communications [IP-based systems]. It does not make sense to develop standards for traditional circuit-switched or TDM-based communications, which are fast being replaced by IP-based systems. If policy makers are seeking to avoid the imposition of *unduly burdensome obligations* on manufacturers, providers, and operators of MLTS, then focusing on the future of communications—as opposed to requiring a major re-tooling of existing, moribund technologies—would make the most sense.”).

companies seeking to implement E9-1-1 IP MLTS solutions.⁹ Verizon specifically points to the Commission's CSRIC:

As the CSRIC observed last year (with Verizon's support), the emergence of IP-enabled commercial enterprise and NG911 systems, and inconsistent requirements at the state level, merit a uniform nationwide approach today. (Footnote in original omitted)¹⁰

The comments of NENA and APCO demonstrate that if waiting on state MLTS legislation was ever the appropriate approach in the past, it is certainly currently not the proper or prudent approach to protect the public now.¹¹ In addition, AT&T raises a valid issue, the interrelationship, or duplicative conflict between the Commission's Interconnected VoIP rule, Local Number Portability ("LNP") best practices, and deploying better E9-1-1 location for IP MLTS:

As a provider of VoIP services, AT&T is concerned that the current industry best practices for local number portability (LNP) may not be sufficient when a VoIP Position Center (VPC) service is used for 911 call routing and for providing station-specific detail. Current LNP best practices were developed and implemented in support of traditional circuit-switched 911 call routing and ALI display. ... If station-specific 911 call detail is ultimately required, AT&T anticipates that there would be a significant increase in the number of subscriber

⁹ AT&T Initial Comments at p. 9 ("National standards are the most cost-effective approach to meeting this public safety concern."); Verizon Initial Comments at p. 4 ("A uniform approach to the underlying technical challenges for MLTS systems is an appropriate first step toward addressing these uncertainties."); Avaya Initial Comments at p. 7 ("Without a common level of E9-1-1 reporting across the US, there is the constant confusion and turmoil regarding what level of compliance is required, and where."); 911 ETC Initial Comments at p. 3 ("If the expectancy is an equal level of protection across all 50 states, then a national set of standards is imperative for our nation's MLTS owners."); Intrado Initial Comments at pp. 1-2 ("Individuals in many businesses, schools and shared tenant locations remain at risk if first responders do not know where to find them in cases of emergency" ... "Federal guidance is necessary in order for there to be some uniform level of protection for individuals and consistent standards applicable to MLTS operators.").

¹⁰ Verizon Initial Comments at p. 5.

¹¹ NENA Initial Comments at p. 2 ("Relying on states to require MLTS E9-1-1 location capabilities has proven unsuccessful."); APCO Initial Comments at p. 4 ("Nor should it matter whether the state in which they are in has passed MLTS legislation.").

records requiring modification and AT&T is concerned that current industry best practices may not be in place for VPC services. (Footnote in original omitted)¹²

If an Interconnected VoIP provider views that it has an independent obligation under the Commission rule to provide a station-level registered location for each telephone number, then it is possible that the Interconnected VoIP provider may be entering the same registered location in the VPC 9-1-1 database for all station telephone numbers. The IP MLTS provider may be doing the same – but hopefully with a more precise approach than simply putting in the same location over and over again. But in either case, there may be unnecessary duplication or LNP questions depending on whether the same or different VPCs are being used, and most importantly, neither the Interconnected VoIP provider nor the IP MLTS provider may be providing the “optimal” registered location for each station or telephone number. In addition to the example raised by AT&T, there is a growing potential for confusion and concern between the correct and acceptable registered location for the business customer market under the Interconnected VoIP E9-1-1 rule and under E9-1-1 IP MLTS. The need for further Commission nationwide rules or best practices on these issues is well-justified.

A. As with Interconnected VoIP, the fact that the service may be “nomadic” is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices.

VON suggests reasonable special issues for separate consideration related to wireless campuses and wireless hot-spot systems, but then VON weakens their point by broadly including nomadic Interconnected VoIP and wireless together and then urging in those cases that “the ability to provide location information and the accuracy of that information is often limited.”¹³

VON makes some reasonable points for future examination on special issues related to wireless

¹² AT&T Initial Comments at p. 4.

¹³ VON Initial Comments at p. 2.

campuses, wireless hot-spots and emerging converged services. The Commission and others have learned from wireless E9-1-1 from different locations and different types of wireless services, such as using call centers for mobile satellite services, that there will always be special or new emerging considerations, but the perfect cannot be the enemy of the good for purposes of E9-1-1 MLTS and protecting the public's safety. VON errs by broadly including nomadic E9-1-1 MLTS within those special situations. Unlike wireless campuses, wireless hot-spots and emerging converged services noted by VON, an Interconnected VoIP business customer or IP MLTS customer using the public internet to be nomadic should not be within any type of special exception when it is not for wireless campuses, wireless hot-spots and emerging converged services. Since November 28, 2005, the Commission has had an Interconnected VoIP E9-1-1 rule requirement and there has been a technical solution for a nomadic business Interconnected VoIP customer that is traveling and using the public internet from his or her hotel room to make a nomadic VoIP 9-1-1 call.¹⁴ If a business customer using its service over the public internet is not being provided the ability to register their E9-1-1 location while they are nomadic, then the Commission needs to promptly examine and amend existing Commission E9-1-1 rule requirements without delay or provide some educational best practices for the business Interconnected VoIP industry to remedy this issue. As with the Commission Interconnected VoIP rule, the fact that the service may be "nomadic" is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices.

¹⁴ 47 C.F.R. 9.5.

B. As with Interconnected VoIP, “dependency on user implementation” is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices, but rather, “user dependency” is a major reason for the Commission to move forward on an expedited basis to provide greater clarity to the business customer market and public safety.

TIA suggests that that there are major issues associated with “dependency on user implementation for accurate location information.”¹⁵ The attempt by TIA to urge “dependency of user implementation” as a factor not to move forward on E9-1-1 MLTS ignores the fact that there is an existing Commission Interconnected VoIP E9-1-1 rule dependent on user “registered location.”¹⁶ Moreover, it is more reasonable for the Commission to have a materially higher standard of reasonable good faith and prudent conduct on Interconnected VoIP providers serving business and MLTS customers because these business customers are dealing with larger and potentially more complex situations than a single end user registering his or her home location or registering a location while being a nomadic traveler. Moreover, as discussed earlier and pointed out by AT&T in the context of LNP and VPCs, the lack of proper coordination between the involved parties may cause problems and issues. In the absence of additional clarification by the Commission, there may arguably be some reasonable alternative views on where the dividing line, interrelationship, and required coordination standard may be between business Interconnected VoIP subject to the Commission’s “registered location” mandate and IP MLTS, or differing interpretations on how specific an Interconnected VoIP provider should be in educating its customer in a high-rise office building to use good faith and reasonable diligence to register the location to include suite, floor, and other identifying location information to enable an emergency response, as well as differing interpretations on how diligent the IP MLTS

¹⁵ TIA Initial Comments at p. 16.

¹⁶ 47 C.F.R. 9.5.

provider or customer should be in educating its Interconnected VoIP provider in order to ensure and enable the reasonable and proper emergency response information. But in any case there can be no dispute, however, that Interconnected VoIP providers serving business customers are subject to the Commission E9-1-1 “registered location” mandate, notwithstanding what further action the Commission may consider related to IP MLTS. As with the Commission’s Interconnected VoIP rule, “user dependency” is not a valid reason for the Commission to delay in proceeding to promulgate nationwide E9-1-1 IP MLTS rules or best practices.

If an Interconnected VoIP provider can argue that it is full compliance with the existing Commission Interconnected VoIP rule for a specific business Interconnected VoIP customer somewhere within the Empire State Building, for example, by simply guiding the Interconnected VoIP business customer to register “350 5th Avenue, New York, N.Y. 10118” as the “registered location,” then the Commission needs to promptly examine and amend existing Commission E9-1-1 rule requirements without delay or provide some educational best practices for the business Interconnected VoIP industry to remedy this issue. Similarly, given the feasibility of E9-1-1 MLTS solutions, if a seller of an IP Centrex, Hosted IP PBX, or any other Cloud IP MLTS system could possibly argue it is not “Interconnected VoIP” subject to Commission E9-1-1 requirements but is instead IP MLTS, then there is still no reasonable justification for permitting “350 5th Avenue, New York, N.Y. 10118” to be used as the E9-1-1 location for every customer, office, or location within the Empire State Building based on some arbitrary regulatory line or permissible loophole between providing business Interconnected VoIP and providing IP MLTS. Moreover, if both the Interconnected VoIP provider and the IP MLTS provider are duplicating effort for each station or telephone number with one or more VPCs, but are both still having “350 5th Avenue, New York, N.Y. 10118” provided as the “registered location” for each

station or telephone number, then the Commission needs to remedy this issue promptly via additional rules or best practices.

The Empire State Building hypothetical are extreme example scenarios, and few would argue that “350 5th Avenue” should be considered to be the correct and acceptable registered location for every customer or office within that building -- whether the service is considered Interconnected VoIP or some type of IP MLTS. But unless what should generally be the correct and acceptable registered location for each customer or office within the Empire State Building in the context of (1) Interconnected VoIP, (2) IP Centrex, (3) Hosted IP PBX, and/or (4) any other Cloud IP MLTS system reasonably jumps out as the apparent correct and acceptable answer to the average business customer, the average Public Safety Answering Point, and the average Commission Staff person, then there can be no doubt that there is needed work to do on these issues, and the public deserves the Commission using its Interconnected VoIP and IP services jurisdiction to facilitate their E9-1-1 services.

III. Conclusion

The case for Commission rules or best practices is well-justified. The Commission should promptly proceed to promulgate rules or best practices in order to facilitate better E9-1-1 location information for business IP MLTS and Interconnected VoIP customers and users.

Respectfully submitted,



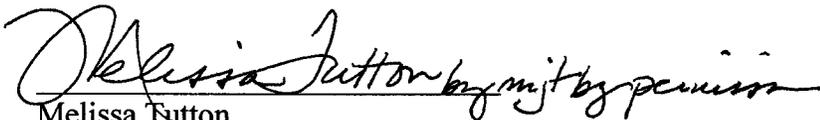
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