



September 25, 2012

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

Re: *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Dockets No. 11-153 and 10-255

Dear Ms. Dortch:

On Friday, Tom Sugrue, Senior Vice President of Governmental Affairs, T-Mobile USA, Inc. (“T-Mobile”) spoke with David Turetsky, Chief, Public Safety and Homeland Security Bureau. That same day, Steve Sharkey, Director, Chief Engineering and Technology Policy, and Shellie Blakeney, Principal Corporate Counsel, Federal Regulatory Affairs, T-Mobile, spoke with Charles Mathias, Special Counsel to the Chairman. In addition, John Nakahata, Wiltshire & Grannis, LLP, on behalf of T-Mobile, also spoke with Mr. Turetsky. The following summarizes the points made in these presentations.

T-Mobile fully appreciates the need for its customers to be able to contact 911 when they need to do so. Text-to-911 can be an important avenue to do so under certain circumstances, although voice-to-911 calling is preferable whenever possible because of technical limitations with text-to-911 services and because voice calls can also potentially provide PSAPs with additional critical information from the caller. T-Mobile is working on ways to implement text-to-911 where PSAPs will support such a service. In addition, because it is also important for consumers to know that they cannot text-to-911 today, T-Mobile provides a “bounce-back” message to each customer that attempts an SMS-to-911 instructing them to place a voice call to 911.

T-Mobile understands that the Commission may be considering issuing an order that would mandate that carriers implement text-to-911 a certain period of the issuance of implementing rules – which rules would be determined as the result of a further notice of proposed rulemaking. T-Mobile believes the better course would be to defer all the issues to a further notice, rather than to bifurcate them in this fashion. But even if the Commission were to issue an order now saying that it would require wireless carriers to be able to implement text-to-911 at a future date, it should not now determine that the implementation schedule. There is no basis now for determining the appropriate length of the implementation period.

Past experience with E911 requirements shows that implementation periods can be affected by a number of important factors, including the pace of third party technical

development, procurement time for modifications to wireless carriers' networks and installation of new technology or equipment, the availability of personnel – including employees, contractors, and vendor support – to conduct installations and implementations, and necessary testing. Vendor resources and timing can be significantly affected when all wireless carriers – or even just Tier 1 wireless carriers – are simultaneously attempting to implement a new technology. It is much more rational for the Commission to set an implementation schedule once it has obtained a record on the available methods and potential timetable for implementing text-to-911, and based on information from ongoing testing in this area. Indeed, it would be arbitrary and capricious to set the implementation time now, when many other crucial details that could affect the timeline are left to be specified in the Further Notice of Proposed Rulemaking. Instead, the Commission should seek further comment on the appropriate timetable for implementation of text-to-911.

Another reason to defer the determination of the specific implementation date to the further notice of proposed rulemaking is that, when text-to-911 is ultimately implemented, it must be accompanied by communications from PSAPs, public safety, the FCC and carriers that text-to-911 is not a preferred means of contacting 911, and should not be used if the caller can place a voice call. This will be a difficult message for some parts of the public to comprehend. However, it is inherent in SMS technology that messages are not necessarily delivered in near-real-time, and may be delivered out of sequence. Furthermore, SMS-to-911 does not work when roaming. There are clear public safety benefits to ensuring that consumers have sufficient notice regarding the availability and limits of this service. In addition, given the issues created by fraudulent 911 calls from unregistered cell phones, the Commission should not require carriers to handle texts to 911 other than from subscribers with texting plans. These challenges need to be addressed as part of an integrated implementation schedule, and not forced into a predetermined timeline.

For these reasons, the Commission should seek further comment on the appropriate timetable for implementation of text-to-911. Please contact me if you have further questions.

Sincerely,



John T. Nakahata
Counsel to T-Mobile USA, Inc.

cc: David Turetsky
Charles Mathias
Angela Giancarlo
Louis Peraertz
Courtney Reinhard
David Goldman