



Telecommunications for the Deaf & Hard of Hearing, Inc.
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December 5, 2012

VIA ELECTRONIC FILING

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

Re: Written Ex Parte Communication, PS Docket Nos. 10-255 and 11-153

Dear Ms. Dortch:

On December 3, 2012, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Lise Hamlin, Director, Public Policy Advocacy, Hearing Loss Association of America, and Andrew S. Phillips, Policy Attorney, National Association of the Deaf (“NAD”) (together, the “Consumer Representatives”), met first with Courtney Reinhard, Legal Advisor – Wireless, and Nicholas Degani, Legal Advisor – Wireline with the Office of Commissioner Ajit Pai. The Consumer Representatives were then joined by Dr. Christian Vogler, Director, Technology Access Program, Gallaudet University to meet with Charles Mathias, Special Counsel with the Office of Chairman Julius Genachowski, and Patrick Donovan, Attorney Advisor, Policy Division, Public Safety and Homeland Security Bureau. The two meetings gave the Consumer Representatives an opportunity to review with both Commissioner offices their tentative plans for the Report, Order and Further Notice of Proposed Rulemaking (“FNPRM”) that are scheduled for the Commission's formal action during its open meeting on December 12, 2012. The Commission's upcoming action will set the stage for developing the capability for Americans to contact 9-1-1 emergency services via text messaging.

We expressed strong support for an immediate report and order that would require carriers to implement their end of SMS-to-9-1-1, and leaving over-the-top texting (OTT) mechanisms to an FNPRM. While we appreciate the actions that some carriers have undertaken to support SMS-to-9-1-1, filings by some other carriers in opposition to SMS-to-9-1-1 indicate that voluntary efforts will fall short of providing a nationwide accessible interim text-to-9-1-1 solution. Given that an interim solution is needed for ten years, according to NENA estimates¹, the deaf and hard of hearing communities cannot afford to wait any longer to regain direct access to 9-1-1. We

¹ Comments by National Emergency Number Association, PS Docket 11-153, 12/12/2011, p. 2

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noted that relay services are inadequate for making 9-1-1 accessible to the deaf and hard of hearing.

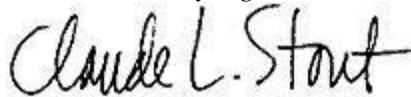
We explained that SMS is the common denominator available in virtually all mobile phones, and that the rise of OTT is largely attributable to the popularity of the iPhone and BlackBerry, both of which also support native SMS. In fact, even devices that have OTT functionality fall back to native SMS when OTT is not supported by the other endpoint, and hence the current state of OTT does not provide a good reason for delaying the roll-out of SMS-to-9-1-1. We also explained that call routing to the proper PSAP with SMS-to-9-1-1 already is attainable, whereas no such mechanism is available for OTT yet. We expressed our strong opposition to waiting for OTT to “catch up” before issuing an order on SMS-to-9-1-1, due to the additional delays this would induce while the lives of people are at stake, who are unable to make voice-9-1-1 calls.

We made clear that the interim direct SMS text-to-9-1-1 solution would benefit the general public (e.g. the Virginia Tech college campus shootings a few years ago would have been partially, not wholly averted), not just the deaf and hard of hearing. Additionally, we stressed the need for a “bounce-back” message to be sent to anyone who sends a text to 9-1-1, which cannot be processed, letting him/her know that his/her 9-1-1 text was not received and he/she needs to find another way to contact 9-1-1. We also discussed the importance of such bounce-back messages in the context of domestic roaming.

We asked that the Commission formally act as soon as possible on implementation and deployment of the interim solution with SMS for text-to-9-1-1 emergency calling, and that firm but fair deadlines be set. We stand ready to assist the FCC, industry, and the public safety profession in outreach and education for successful, effective deployment and utilization of the SMS-to-9-1-1 service.

Respectfully submitted,

/s/ electronically signed



Claude Stout, Executive Director
Telecommunications for the Deaf and Hard of Hearing, Inc.

cc (by e-mail):

The Honorable Chairman Julius Genachowski
The Honorable Commissioner Ajit Pai
Charles Mathias
Courtney Reinhard
Nicholas Degani

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David Turetsky

Kris Monteith

Karen Peltz-Strauss

Gregory Hlibok

Patrick Donovan

Suzy Rosen Singleton

- NENA estimates that an interim text-to-9-1-1 solution is needed for 10 years or more
- This makes arguments that interim SMS-to-9-1-1 detracts from resources needed for NG-9-1-1 rollout irrelevant – the deaf and hard of hearing cannot afford to wait 10 years when we have nothing right now
- EAAC motion 3/30/12: EAAC SUPPORTS AS AN INTERIM SOLUTION FOR TEXT TO 9-1-1, AT A MINIMUM, SMS, AND OTHER TECHNOLOGIES AS APPROPRIATE, WITH A THREE DIGIT SHORT CODE 9-1-1. – and set the stage for “SMS first, other solutions later”
- AT&T and Verizon are to be commended for testing text-to-9-1-1, but other carriers have been openly hostile to SMS-to-9-1-1, and some ex-parte communications show that they still are hostile to the idea (e.g., MetroPCS, 9/13 ex-parte)
- SMS is the one common denominator across virtually all mobile phones; and even devices that have over-the-top texting (OTT) functionality installed (e.g. iPhone with iOS 5+ which accounts for the rise of OTT vs SMS, BlackBerry) fall back to native SMS when OTT is not supported by the other endpoint. Many phones also allow OTT apps to send native SMS, so can implement such a fallback themselves. A decline of SMS volume is a red herring for the text-to-9-1-1 issue.
- We agree that OTT is important for the longer-term transition to NG-9-1-1, and should explore this in an FNPRM. But we need a R&O on SMS now – carriers have consistently used arguments like “NG-9-1-1 is around the corner, SMS is obsolete, etc.” to argue against SMS to 9-1-1, but this doesn’t help the deaf and hard of hearing achieve access. The bifurcation is reasonable: SMS is ready/close to ready now for 9-1-1 services, while OTT services need more exploration. Delaying SMS together with OTT means more delay in access to 9-1-1 for the deaf and hard of hearing.
- We believe that the FCC needs to set firm but fair deadlines for carriers to implement their end of SMS to 9-1-1 to ensure that there are no more delays. ATIS-TIA, as well as EAAC, have been working on standards, architectures, and recommendations (SMS first, but the architecture will allow other text-based messaging services in the future)
- Bounceback messages informing the user of success/failures in text-to-9-1-1 are crucial. Carriers must either implement these, or pass these through from an entity further downstream. In the case of text-to-9-1-1 failures due to domestic roaming, a reasonable expectation is that bounceback will work for US-based carriers if the FCC orders them to implement text-to-9-1-1; don’t

get hung up on the worst case of international roaming where bounceback may not be feasible.

- Consumer Groups will commit to engaging in intensive education and outreach on the availability and limitations of SMS to 9-1-1, in cooperation with FCC and other third parties.

Consumer Groups also filed a list of expectation for interim text-to-9-1-1 (TDI et al, Reply-to comments, PS Dockets 10-255 and 11-153, 2/9/12), as follows below.

The solution should:

- Provide direct access to 911;
- Permit the end user to initiate first contact with 911 by sending an SMS text (i.e., Do not require the end user to make a voice call);
- Accomplish routing of the SMS session to the appropriate PSAP within a reasonable time (i.e., seconds, not minutes);
- Provide nationwide access to 911 through the three digit code of 9-1-1;
- Once an end user texts the code 9-1-1, there must be an immediate reply (by an SMS gateway or other mechanism) that informs the user whether or not the emergency system has received the SMS text message and has begun process the message; **see bounceback above**
- Reasonable turn-around times (e.g., Assume the end user sends an SMS message, the PSAP responds with an SMS message, and the end user responds again. How long a time period is acceptable for the PSAP and the end user to wait to receive each other's messages?); and
- The interim direct SMS text-to-911 solution should be available to the general public (i.e., pre-registration of end users is not mandatory);