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December 13, 2012

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

Re: **Comments**

Public Safety And Homeland Security Bureau Seeks Comment On The Legal And Statutory Framework For Next Generation 9-1-1 Services Pursuant To The Next Generation 9-1-1 Advancement Act Of 2012, PS Docket No. 12-333; Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No. 11-153; and Framework for Next Generation 911 Deployment, PS Docket No. 10-255

Dear Ms. Dortch:

The Industry Council for Emergency Response Technologies ("iCERT" or "Industry Council")¹ hereby submits its comments in response to the Public Notice ("PN" or "Notice") released by the Federal Communications Commission ("Commission" or "FCC") in the above-referenced proceedings.²

Established by a group of prominent business leaders in December 2005 originally as the 9-1-1 Industry Alliance, iCERT plays an important role as the voice of commercial public safety companies, wireless carriers, and related vendors on public policy issues impacting 9-1-1 and the emergency response system.

¹ <http://www.theindustrycouncil.org/index.cfm>

² Public Notice, *Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation Advancement Act of 2012*, PS Docket 12-333 (November 13, 2012); Notice of Proposed Rulemaking, *Facilitating the Deployment of Text-to-911 and Other Next Generation Applications*, PS Docket 11-153 (September 22, 2011); Notice of Inquiry, *In the Matter of Framework for Next Generation 9-1-1 Deployment*, PS Docket No. 10-255 (December 21, 2010) ("NOI").

iCERT's membership is diverse and many of its members not only have differing business objectives, they may be direct competitors. However, all of iCERT's members agree that an open and robust vendor community engaged in frequent two-way dialog with public safety officials and regulators is indispensable to creating the highest quality emergency services for the country.

The Industry Council believes history has demonstrated that business leaders' expertise can assist public policymakers and government emergency communications professionals as they address complex choices regarding advanced communications technologies such as called for via the instant docket, and offers the following comments:³

- 1) iCERT recommends that any legislation which establishes the legal and statutory framework for Next Generation 9-1-1 services should: (a) recognize the critical importance of emergency communications and related services; (b) promote access to emergency services by all citizens, residents and visitors of the United States of America; and (c) facilitate access through new technological platforms in a manner that is consistent with the evolving telecommunications market. For example, iCERT congratulates the FCC for its decision yesterday to propose rapid implementation of text-to-9-1-1 services.
- 2) The FCC should work closely with NTIA and NHTSA to establish a uniform nationwide framework for the promotion and development of Next Generation 9-1-1 systems ("NG9-1-1"), based on nationally standardized processes and technologies. While iCERT respects the authority of local, state, and regional public safety authorities to implement and manage NG9-1-1, the interoperability and scalability demands of new technologies, and the migratory nature of future wireless services call for a consistent approach regardless of geography. Clear delineation of responsibilities between local, state, and national authorities is needed. iCERT supports the NG9-1-1 efforts already underway by government and industry associations in this regard, and they should be encouraged. iCERT also recognizes and highlights the importance of integrating NG9-1-1 networks and services into the operational framework of the Nationwide Public Safety Broadband Network ("NPSBN"), in cooperation with state and local public safety officials, as called for under the *Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act)*.⁴
- 3) The implementation of NG9-1-1 requires that 9-1-1 funding mechanisms be reformed, including the availability of increased funds from the federal level. Many industry commenters and academic reviewers have concluded that the traditional "line item surcharge" approach to 9-1-1 funding (and NG9-1-1 funding in the future) is outdated. This approach does not take into account the evolving nature of

³ Individual iCERT members may provide separate comments to the Commission that agree with, amplify, differ from, or are in addition to the comments offered by iCERT in this matter.

⁴ Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, February 22, 2012
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>

telecommunications and the variety of ways in which the public may access 9-1-1 (e.g., through pre-paid wireless or “over-the-top” service providers). Contributions to NG9-1-1 funding should be equitable and non-discriminatory, and funding mechanisms for NG9-1-1 should be specific and sufficient, and preserved for their intended purposes where directed by law. The transition to NG9-1-1 represents a commitment from the public and private sectors that the public deserves new and improved public safety services. iCERT believes that this transition will be incomplete without improvements to the methods and levels of funding on all governmental levels.

- 4) The current 9-1-1 environment is transitioning from its historic carrier-based architecture to one that contemplates multiple vendors in a variety of supporting roles. Competition yields innovation. iCERT believes that preserving competition in the 9-1-1/NG9-1-1 space and through the transition from legacy 9-1-1 to NG9-1-1 systems is a critical matter, and that NG9-1-1 rules should be technologically neutral.
- 5) Many respondents have previously enumerated the need for user, vendor, respondent, and public safety agency civil liability protection related to legacy and future NG9-1-1 services. iCERT joins these parties in the call for new federal preemptive legislation to end any uncertainty regarding this matter.
- 6) Finally, iCERT strongly encourages the Commission to ensure that all new rules and/or regulations necessitated by the transition to NG9-1-1 are technically feasible and fiscally responsible, and that all new NG9-1-1 standards be jointly developed by industry and the public safety community.

Please feel free to contact me if you have any questions.

Kind regards,

A handwritten signature in black ink, appearing to read "GSR", is centered within a light gray rectangular box.

George S. Rice, Jr.
Executive Director

cc: iCERT Board of Directors (via email)