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

In the Matter of	)	
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Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications	)	PS Docket No. 11-153
	)	
Framework for Next Generation 911 Deployment	)	PS Docket No. 10-255
	)	
Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Advancement Act of 2012	)	PS Docket No. 12-333

COMMENTS OF VERIZON AND VERIZON WIRELESS

As explained in their comments filed earlier this year in the Commission's pending rulemaking on Next Generation 911 ("NG911"),[1] Verizon and Verizon Wireless[2] ("Verizon") support a uniform nationwide NG911 framework that will continue the progress industry and public safety already have made toward deployment of an end-to-end IP-enabled NG911 system. Industry continues its substantial progress toward NG911 deployment and availability, using standards that are being developed with public safety, and additional regulatory obligations for commercial networks are unnecessary. The legal and regulatory NG911 framework should preserve this existing standards-driven approach, and enhance it by expanding liability protection

[1] *See* Comments of Verizon and Verizon Wireless in PS Docket Nos. 11-153 and 10-255, filed Dec. 12, 2011 ("Verizon Comments"); Reply Comments of Verizon and Verizon Wireless in PS Docket Nos. 11-153 and 10-255, filed Feb. 12, 2012 ("Verizon Reply Comments").

[2] In addition to Verizon Wireless, the Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

for NG911 participants and minimizing entry and other barriers for new 911 service providers. That framework also should ensure that public safety stakeholders have adequate resources to upgrade their networks efficiently for NG911, at reasonable cost to consumers and taxpayers.

I. THE LEGAL AND STATUTORY NG911 FRAMEWORK SHOULD PROMOTE TIMELY AND EFFICIENT DEPLOYMENT THROUGH STATEWIDE PSAP ADMINISTRATION AND STANDARDS-DRIVEN TECHNOLOGIES.

A. A Uniform, Standards-Driven Nationwide Policy Framework Will Best Promote NG911 Deployment.

The Commission seeks comment on the appropriate role for the Federal government in NG911 oversight and implementation, and whether its existing regulations "may inhibit the development and deployment of NG9-1-1 services." Public Notice, DA 12-1831, at 3, 6. Industry and public safety stakeholders already have made substantial progress toward NG911 in the absence of any Federal regulation, and those processes should remain free of new rules so that those stakeholders can focus on deploying IP-enabled next generation services.[3]

The cooperative, standards-based approach to NG911 deployment and service provision that has already evolved obviates the need for regulation of the technical and operational aspects of NG911, and is consistent with Congress's existing mandate that the Commission implement "achievable and technically feasible" NG911 regulations that are focused on IP-enabled

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[3] Service providers are free to deploy emergency services solutions for legacy technologies on a voluntary basis, as Verizon Wireless and several other wireless service providers have done for short message services (SMS). *See* FCC News Release, *FCC Chairman Julius Genachowski Announces Commitment by Major U.S. Wireless Carriers & Public Safety Leaders to Accelerate Nationwide Text-to-911 Services; Calls for Continued Engagement with FCC on Next-Generation 9-1-1- Initiatives* (rel. Dec. 6, 2012), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1207/DOC-317786A1.pdf.

services.[4] Wireless service providers already are migrating to platforms such as LTE that will enable real-time text services by as early as the first quarter of 2014, and later releases will accommodate other non-voice communications to NG911-capable PSAPs. In addition, industry technical standards development has been ongoing and is near completion.[5] Verizon is separately working with many PSAPs to begin upgrading their networks and equipment to IP-enabled platforms to handle existing 911 and E911 calls, a necessary first step toward the deployment of an IP-enabled NG911 system. And public safety stakeholders continue to make progress in defining the required capabilities and processes for their networks, as reflected in NENA's recommended i3 solution for PSAP architecture.

In short, both industry and public safety already have made substantial progress on many of the measures necessary for the deployment of a comprehensive NG911 system. If current trends continue, IP-enabled communications to NG911-capable PSAPs will be available to consumers within a reasonable period. Implementation requirements and deadlines for service providers or other new regulation by additional state or Federal agencies are thus unnecessary in light of current industry and technology trends.

B. States and Localities Should Implement and Administer NG911 at State or Regional Levels.

The Commission seeks comment on whether the NG91l framework should promote state and regional implementation of NG911 public safety systems. Public Notice at 2. Verizon

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[4] *See* Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751, 2762-64, § 106(g) (2010).

[5] *See* 3GPP, *IP Multimedia Subsystem (IMS) Emergency Sessions*, Technical Specification 23.167, http://www.3gpp.org/ftp/Specs/html-info/23167.htm; ATIS Emergency Services Interconnection Forum, Issue 74, *Applying 3GPP Common IMS to NG9-1-1 Networks*.

supports at least state-wide implementation and encourages regional efforts where adjacent states can work together on a coordinated deployment of NG911 capability. The traditional county- or city-level PSAP-by-PSAP implementation approach used for wireless E911 would be untenable for NG911 because of the substantially higher costs and technical and administrative complexities of NG911 deployment to service providers and PSAPs and the regional and even nationwide nature of many IP-enabled networks and services. Requiring service providers to establish IP-based connectivity arrangements with thousands of individual PSAPs would impose redundant facilities and transactional costs on service providers and local governments alike, which ultimately will be passed on to customers and taxpayers.[6]

Thus, statewide implementation (or regional implementation covering a broad geographic area) is appropriate for the oversight, implementation, and funding of public safety NG911 systems. Further, any NG911 deployment obligations applicable to service providers in a particular state should be premised on demonstrated PSAP capability and statewide or regional administration across multiple jurisdictions.[7] Consistent with these principles, Federal funding support for NG911 systems should provide appropriate incentives for statewide or region-wide implementation of NG911 capability by PSAPs. The regulatory framework also should maintain the requirements for PSAP readiness. The current framework for wireless E911, which requires provider deployment of E911 capability to be completed within a specified time period only if a

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[6] Verizon Comments at 12-16.

[7] *Id.* at 12-13 (describing the necessary prerequisites for service provider implementation of NG911, including Emergency Services IP Network ("ESInet") readiness, 6-month period for implementation, PSAP participation in statewide system, standards-based implementation, and liability protection).

PSAP is ready to receive and respond to emergency communications, has worked well and should be continued.

C. Congress Should Establish Uniform Liability Protection for NG911 Services.

The Commission seeks comment on the adequacy of existing liability protection and whether Congress should take additional action in this regard. Public Notice at 4. As Verizon has previously explained, current law provides important liability protection for NG911 participants, but the degree of immunity varies from state to state and remains subject to the vagaries of common law tort actions.[8] To the extent that a state does not have a 911 liability protection statute, or has a statute that does not clearly cover non-voice services, moreover, liability risks could potentially deter NG911 deployment or increase deployment costs in a particular state.[9]

Certainty that compliance with federal rules and NG911 technical standards will not result in liability will help facilitate the more rapid nationwide deployment of NG911 services, including voluntary deployments that may be initiated independent of Commission rules. Such certainty can also facilitate the development of new innovative NG911 services and products for consumers. The Commission thus should recommend that Congress expand the scope of liability protection in a manner similar to the approach used for wireless mobile alerts, which provides

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[8] *See* Verizon Comments at 15-16; Comments of Verizon and Verizon Wireless in GN Docket No. 11-117, PS Docket No. 07-114 and WC Docket No. 05-196, at 25 (Oct. 3, 2011) .

[9] *See* NENA, *Next Generation 9-1-1 Transition Policy Implementation Handbook*, http://www.tsag-its.org/docs/NG9-1-1_Transition_Policy_Handbook_Final_03-08-10.pdf , at 21-22 (March 2010) (NG911 stakeholders "will likely more rapidly [transition to NG911 systems] with the legal certainty that their good faith efforts to improve 9-1-1 and emergency communications services will not expose them to further liability").

uniform liability protection for the transmission of those alerts when done consistent with Commission regulations.[10]

D. Industry Standards and Best Practices Will Continue to Ensure the Accurate and Reliable Transmission of 911 Caller Information

The Commission seeks comment on a number of issues concerning the transmission of 911 caller information, including whether legislation is necessary "to require or incentivize the development of technologies," to require "measur[ing] accuracy and efficiency" of such information, and to authorize new Commission data collection requirements. Public Notice at 5. Such legislation is not necessary. As discussed above, industry standards already are under development that will govern the transmission of 911 caller information for IP-enabled NG911 services and networks. Issues such as accuracy and efficiency are being addressed through the industry standards processes and through service provider and PSAP best practices.[11] Where the Commission has imposed rules in this area, such as the transmission of E911 call data and wireless E-911 caller location accuracy, those requirements have been outcome-oriented and the Commission does not dictate the use of particular standards or technologies. Wireless carriers have been able to timely develop and deploy E911 services through this framework, which has been most effective where the Commission has accounted for technical feasibility and flexibility by relying on voluntary standards. The same approach is warranted for NG911.

Top-down regulatory mandates, in contrast, can have the detrimental impact of locking service providers, consumers and PSAPs alike into specific products or solutions and network

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[10] *See* 47 U.S.C. § 1202(e).

[11] *See, e.g.*, ATIS-ESIF, *Location Technology Test Bed* (ATIS-0500022), and *Supplemental E911 Location Information* (ATIS-0500021).

configurations that can become outdated as technologies evolve. Standards and best practices, in contrast, can more readily avoid problems of technological feasibility, and enable industry to adapt to local conditions and changes in technology. Moreover, the manner in which state- and locally-administered public safety networks will transmit and process 911 caller information in an NG911 environment also will depend on a variety of factors outside a service provider's control. For example, the resources available at the state and local level to individual PSAPs, and the robustness of the platforms they employ, all will affect "the transmission of efficient and accurate 9-1-1 caller information to PSAPs." For these reasons as well, the framework for NG911 should remain standards-driven.

E. Barriers to Entry by New 911 Providers Should Be Removed.

The Commission seeks comment on how best to "remove regulatory roadblocks to [NG911] services development, while recognizing existing State authority over 9-1-1 services," particularly with respect to regulations applicable to "9-1-1 System Service Providers" ("SSPs"). Public Notice at 5. Any legal framework applicable to SSPs' role in the NG911 environment should reflect that (1) NG911 will, by definition, consist of IP-enabled services and networks, (2) those services and networks are fundamentally interstate in nature, and (3) the legacy common carrier regulatory regime that traditionally has governed 911 SSP networks and services is not an appropriate model going forward.

Consistent with these principles, neither Federal nor state laws and regulations should preclude or effectively preclude new 911 service provider entrants, as PSAPs should be free to select their vendor(s) of choice. State agencies should remove regulations with that effect, and ensure that their legacy common carrier regulations do not impose unnecessary burdens on new entrants. Nor should regulators be in a position to dictate the connectivity terms and conditions

between NG911 participants. Connectivity between and among service providers (including SSPs) instead should be based on standards and industry best practices, and established through flexible, good faith negotiations, to ensure that legacy rules and regulations cannot be employed as procedural or substantive obstacles to achieving mutually beneficial arrangements. The framework should thus provide appropriate incentives to service providers to timely negotiate connectivity arrangements in good faith with public safety entities and their vendors.

The Commission relatedly seeks comment on the extent to which legislation and any resulting Commission regulation should preempt state regulations that inhibit the development and deployment of NG911. Public Notice at 6-7. The Commission has already recognized, and any new legislation should affirm, that state laws and regulations that conflict with Federal rules and policy in the 911 area will be subject to preemption.[12] Given the interstate nature of IP-enabled services, and the need for uniform nationwide technical and operational standards (particularly for IP-enabled and wireless services), preemption of state regulations that, for example, impose state-specific technical requirements or specify particular NG911 services that must be provided, would be warranted, because they would impede achieving a uniform national framework for NG911. In no event should any legislation limit or reduce the preemptive impact of the Commission's 911 regulations under current law.

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[12] *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676, ¶ 105 (1996) ("conclud[ing] that state actions that are incompatible with the policies and rules adopted in this Order are subject to preemption.").

II. PUBLIC SAFETY FUNDING SUPPORT IS ESSENTIAL FOR NG911 DEPLOYMENT.

The Commission seeks comment on whether legislation is needed to improve or modify funding mechanisms for 911. Public Notice at 5. Addressing public safety's NG911 funding needs should be of utmost importance, as PSAPs' capabilities to receive and process various types of caller information in an NG911 environment will be at least as important as service providers' capabilities to generate and transmit the information.

Today, 911 fees or taxes appear on most customer bills for communications services, but the methodology and the rates for imposing these charges reflect an inconsistent patchwork of state and local regulation and preferences. The rates vary depending on state or locality, and often vary depending on the type of service provided – whether wireline, wireless, VoIP or wireless prepaid service. Some states authorize individual localities to impose 911 fees, which typically require service providers to collect fees at rates that vary by locality, and then remit those fees to each locality, usually on a monthly basis. Many states appropriately limit the use of their 911 funds to direct expenses associated with emergency communications technology and service, consistent with Federal law.[13] Other states, however, permit the state or local fees to be used for general and administrative expenses, and there have been instances in recent years of states reallocating 911 funds to their general funds in order to balance their budgets.

Verizon generally supports reasonable and competitively neutral fees to support 911 services, including NG911, and has worked closely with state legislatures and local governments

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[13] *See* 47 U.S.C. § 615a-1(f)(1) (preserving states' authority to "support or implementation of 9–1–1 or enhanced 9–1–1 services, provided that the fee or charge is obligated or expended only in support of 9–1–1 and enhanced 9–1–1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.").

to achieve these goals. Nevertheless, this patchwork of fees and taxes invariably imposes cost and administrative burdens on consumers and service providers that contribute to the high overall tax and fee burdens imposed on them.[14] As policymakers evaluate their support mechanisms for NG911 to supplement the funding they will need to maintain existing 911 and E911 systems, the flaws in the current system risk exacerbating these burdens and could undermine public support for NG911. Congress and state legislatures therefore should affirm that 911 is an essential government service that should receive priority funding from a state's general revenues. Federal and state policymakers should prioritize NG911 in their annual budgets, and the NG911 legal framework should provide incentives for them to do so.

If supplemental funding for NG911 beyond general revenue appropriations remains necessary, then any fees should meet certain parameters to ensure that funding mechanisms remain competitively neutral and efficient for taxpayers. Specifically, such fees should be: authorized as a single, state- (not locally-) administered 911 fee, covering 911 and NG911 service only; set at a uniform and reasonable statewide rate; transitioned away from local administration in order to take advantage of economies of scale and help ensure that less populated areas will be integrated into improved emergency communications systems; based on actual direct costs; imposed on end users, not service providers (including for prepaid services

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[14] *See* Scott Mackey, *Wireless Taxes and Fees Continue Growth Trend*, State Tax Notes (Oct. 29, 2012), available at http://files.ctia.org/pdf/2012_mackey_study.pdf (reporting average taxes and fees imposed on wireless consumers at 17.18%, more than twice the average general business tax of 7.334%).

via point-of-sale collection); and inapplicable to services and devices that consumers cannot use to contact 911.

Respectfully submitted,

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