

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Public Safety and Homeland Security Bureau’s *Public Notice*, DA 12-1831 (rel. Nov. 13, 2012), in the above-captioned proceeding.

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. Its members include state and local employees of law enforcement, fire, and emergency medical service departments, as well as 9-1-1 public safety answering points (PSAPs) and emergency operations centers. APCO appears regularly before the Commission on a wide range of public safety communications issues.

The Bureau is seeking public comment concerning a report it is to file pursuant to Section 6509 of the Middle Class Tax Relief and Job Creation Act of 2012. Congress directed that the Commission “prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9-1-1 services, consistent with the recommendations of the National Broadband Plan developed by the Commission.” The report is due one year after enactment, or by February 22, 2013.

APCO appreciates the importance that Congress and the Commission have placed on ensuring timely and effective deployment of NG9-1-1 services. NG9-1-1 technology will lead to monumental advancements in emergency response, saving lives, securing property, and protecting the homeland. At the same time, NG9-1-1 deployment will require careful study and coordination to ensure success. APCO is pleased to contribute to this effort, and hopes that the Commission's report will promptly lead to appropriate legislative and regulatory actions at the federal, state, and local levels to provide the best environment for provision of NG9-1-1 services.

**I. Legal and Regulatory Framework for the Development of NG9-1-1 Services and the Transition from Legacy 9-1-1 Networks to NG9-1-1**

**A. The Commission Should Recommend that Congress Enable a National Approach to Coordinating NG9-1-1 Deployment**

A current challenge facing stakeholders in NG9-1-1 deployment is the lack of coordination among the myriad federal and state roles. A number of federal agencies are involved with NG9-1-1, each with specific areas of jurisdiction and different tasks depending on prior federal legislation. Accordingly, at the national level, there should be a multi-federal agency program to guide NG9-1-1 consisting of the Commission, the National Highway Traffic Safety Administration (NHTSA), the National Telecommunications & Information Administration (NTIA), and the Department of Homeland Security (DHS) that leverages and combines each individual agency's expertise.

APCO is not advocating any particular approach to creating this multi-agency coordination, except to suggest that the lead should be the Commission since it has historically been involved with crafting rules and technical guidelines with each technological development impacting 9-1-1. From landline, to cellular, to Voice over Internet Protocol (VoIP)

communications services, the FCC has been at the forefront of creating the 9-1-1 framework for the nation.

At the same time, NHTSA, NTIA and DHS all have different areas of expertise that have significantly improved NG9-1-1 efforts, including state and local level-specific NG9-1-1 deployments, technology development, and grant program administration. These agencies already work closely together with the FCC. However, what is lacking is a more formalized body with defined responsibilities. Accordingly, APCO suggests that Congress create a federal program that is led by the Commission and actively involves the other federal agencies, and charge this body with the responsibility to work with the public safety community to create a standard, national framework that PSAPs can follow to ensure secure, effective, and efficient NG9-1-1 deployments.

Furthermore, this federal program should be responsible for coordinating the transition from today's 9-1-1 networks to NG9-1-1, which will occur over a number of years. To accomplish this role, the federal program would need to work with other key stakeholders including APCO to make sure the public is educated on 9-1-1 and NG9-1-1 capabilities and limitations.

State and local governments naturally have had a very strong role in 9-1-1 services. To best create an effective working relationship between the federal program and the states, the FCC should recommend that Congress craft incentives for state-level (or multi-state) NG9-1-1 coordination. Congress could do so, as it has with prior grant programs, by imposing as a condition of receipt of federal funding that states create a state-level NG9-1-1 office. Many states, either independently or because of earlier grant program requirements, have seen the need to centralize 9-1-1 oversight. Other factors lend to state-level coordination for NG9-1-1, such as

complementary planning efforts at the state-level including broadband deployment, state homeland security offices, state-level CIO and CTO functions, information networks linking state and local agencies, consultation with FirstNet on the nationwide public safety broadband network, etc.

State-level coordination is necessary to best facilitate adherence to a national framework, reduce procurement costs, provide a uniform NG9-1-1 experience for both the public and PSAPs regardless of location, device, or service used, and create reliable expectations and standards on the part of the vendor community. Further, APCO envisions a number of benefits if state-level oversight bodies coincide with the state-level governance mechanisms developed for purposes of consulting with FirstNet on the deployment of the nationwide public safety broadband network. NG9-1-1 planning and FirstNet planning should go hand-in-hand. For example, with both networks in place, a consumer will be able to send a photo of a building fire to the NG9-1-1 PSAP, which could add floor plans and dispatch the complete data to the responding agencies, putting this information in the hands of the fire chief prior to arrival on scene.

**B. NG9-1-1 Service Providers and PSAPs Should be Ensured Full Federal and State Liability Protections**

Appropriate liability protections have consistently been recognized as essential to delivery of 9-1-1 services. APCO supports new legislation as may be necessary to provide full liability protection to all NG9-1-1 service providers and other stakeholders, and for PSAPs, for all forms of NG9-1-1 technologies. Compared to today's 9-1-1 services, NG9-1-1 will introduce more complex legal issues as transmissions extend beyond voice to text, photos, videos, medical health information, environmental sensors, etc. Liability protection, consistent with existing laws, must be in place to best ensure a healthy, competitive environment for NG9-1-1 products and services, and promote the most rapid advances in technology to protect life and property.

### C. Funding Mechanisms Must Be Modernized to Apply to the Entire NG9-1-1 Ecosystem

Today's various 9-1-1 funding mechanisms are already beset with a number of problems, some of which Congress has acted on more than one occasion to address. In addition to the unfortunate diversion of 9-1-1 fees by some states for purposes other than for 9-1-1, changes in technology are quickly outpacing existing funding sources, leading to unfair disparities and reduced funds. Accordingly, Congress should consider creating a technology-neutral, uniform model that all service providers would utilize to ensure appropriate NG9-1-1 funding for the states. Congress should also mandate that states use such fees only for NG9-1-1 purposes.

One problem however with an approach that is centered on service providers, even if nationalized, is the complexity in an NG9-1-1 world with services that are not easily tied to service providers and recurring billing practices. We are already facing this problem with pre-paid cellular phones. Even more difficult though are devices and apps, such as "over-the-top" apps that provide communications capabilities outside of cellular networks such as with Wi-Fi networks. For example, how should funding be captured from an NG9-1-1 communication made from a non-cellular device used over a Wi-Fi network at a local coffee shop? Such communications methods do not fit neatly in a service provider model. Assessing a one-time fee at the point of sale of the device or app purchase is a possibility, but would not provide a sustainable revenue source. It would also be unwieldy, if even possible, to assess the Wi-Fi provider or the place of business. Further, a service-provider model assumes that it is the customer that benefits from the 9-1-1 call, which is not always the case. For these reasons, it might be best for Congress and the states to consider replacing the current service provider-focused funding model with a mechanism that is more general revenue-based.

## **II. Legal Mechanisms for Ensuring Efficient and Accurate Transmission of 9-1-1 Caller Information to Emergency Response Agencies**

Particularly as we migrate to an NG9-1-1 environment, the need for efficient and accurate transmission of 9-1-1 caller information becomes both more complex and vital. 9-1-1 voice calls from landline, cellular, and VoIP phones provide call-back information, proper routing, and automatic location information. NG9-1-1 will involve many more types of devices, methods of communication, and data, and we must maintain the same level of efficiency and accuracy in such transmissions as the general public and public safety have grown used to.

Accordingly, Congress should empower the Commission with sufficient authority to adopt and enforce requirements concerning the transmission of NG9-1-1 caller information to PSAPs, including location information and means to contact the caller regardless of the technology used (voice, text, data, apps). Further, Congress should empower the FCC to require service providers, device manufacturers, app developers, etc. that provide NG9-1-1 capabilities to regularly provide the FCC with testing data concerning the accuracy of 9-1-1 caller information provided to PSAPs. This information should also be made available to PSAPs and the general public.

## **III. Recommendations for Removing Jurisdictional Barriers and Inconsistent Legacy Regulations**

Over the course of decades, state and local authorities have put into place laws and regulations governing the provision of 9-1-1 services. However, developments in communications technology have rapidly outpaced state and local regulatory regimes. Further, many laws on the books unintentionally impede NG9-1-1 deployment. One particular aspect of how state and local regulations impede NG9-1-1 concerns the prospect of opening up the provision of 9-1-1 services to competitive providers. Thus, Congress should empower the

Commission with preemption authority over any state and local laws that unfairly impede entry of competitive 9-1-1 system service providers.

Respectfully submitted,

/s/

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