

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Legal and Statutory Framework for	)	PS Docket No. 12-333
Next Generation 9-1-1 Services Pursuant to the	)	
Next Generation 9-1-1 Advancement Act of 2012	)	
	)	
Facilitating the Deployment of Text-to-911	)	PS Docket No. 11-153
and Other Next Generation 911 Applications	)	
	)	
Framework for Next Generation 911	)	PS Docket No. 10-255
Deployment	)	

**REPLY COMMENTS OF THE  
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) hereby submits its reply comments in response to the *Notice* issued by the Public Safety and Homeland Security Bureau (PSHSB) in the above-captioned proceedings.<sup>1</sup> For the reasons explained below, the Commission should encourage Congress to establish federal liability protection for all parties involved in the provision of Next Generation 911 (NG911) services.

Pursuant to Section 6509 of the Next Generation 9-1-1 Advancement Act of 2012, the Commission is obligated to “prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for [NG911] services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009.”<sup>2</sup> Section 6509 identifies a number of specific issues for the Commission to address, including the legal and regulatory framework for

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<sup>1</sup> See 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 9-1-1 Advancement Act of 2012*, PS Docket Nos. 10-255, 11-153, 12-333, DA 12-1831 (rel. Nov. 13, 2012) (*Notice*).

<sup>2</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 (2012), Title VI, Subtitle E (Next Generation 9-1-1 Advancement Act), § 6509.

NG911 services, the transition from legacy 911 services, the legal mechanisms to ensure efficient and accurate caller information to emergency response agencies, and recommendations for removing jurisdictional barriers and inconsistent legacy regulations.<sup>3</sup>

Among the issues on which the *Notice* seeks comment is “whether the Commission should recommend that Congress take further steps to provide liability protection to promote the development of NG911.”<sup>4</sup> NCTA strongly supports such a recommendation. AT&T is correct in stating that “existing limitation of liability protection is inadequate to the task because it is not consistent nationwide and leaves parties uncertain as to the extent protection is provided (if at all).”<sup>5</sup> As Verizon explains, “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.”<sup>6</sup>

NCTA agrees with those comments urging the Commission to recommend that Congress establish a comprehensive federal liability protection regime, which should apply not only to NG911 but to all 911 services to ensure uniformity and certainty regardless of the generation of emergency services being provisioned. As the National Emergency Number Association (NENA) explains, by enacting a comprehensive federal liability protection regime for entities engaged in the provisioning of NG911 service, Congress can make “providing 9-1-1 service a lower-cost/lower-risk proposition for originating service providers, thereby eliminating a significant disincentive to provide service” and “reducing costs and regulatory burdens for both originating service providers and the public safety community.”<sup>7</sup> In addition, as Verizon

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<sup>3</sup> *Id.*

<sup>4</sup> *Notice* at 3-4.

<sup>5</sup> AT&T Comments at 2.

<sup>6</sup> Verizon Comments at 5.

<sup>7</sup> NENA Comments at 17.

explains, greater certainty that compliance with federal rules and NG911 technical standards will insulate providers from liability not only will facilitate more rapid deployment of NG911 services, it also will “facilitate the development of new innovative NG911 services and products for consumers.”<sup>8</sup>

For all the reasons explained above, the Commission should recommend that Congress establish a comprehensive federal limitation of liability protection for all parties involved in the provision of 911 services.

Respectfully submitted,

**/s/ Rick Chessen**

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<sup>8</sup> Verizon Comments at 5.