

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

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

**REPLY COMMENTS OF THE  
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

**I. INTRODUCTION**

The National Telecommunications Cooperative Association<sup>1</sup> (“NTCA”) hereby submits these reply comments in response to the Public Safety and Homeland Security Bureau’s Public Notice on the legal and statutory framework for next generation 9-1-1 (“NG911”) services. The Federal Communications Commission (“the Commission”) has requested feedback on a number of issues pursuant to the transition from legacy 9-1-1 systems to NG911. NTCA offers herein its suggestions on how to address the liability and funding issues that arise out of this technological transformation.

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<sup>1</sup> NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents nearly 600 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers (“LECs”) and many of its members provide wireless, cable, Internet, satellite, and long distance services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended (“Act”). NTCA’s members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

Specifically, NTCA supports comprehensive, standardized liability protection for the entire landscape of NG911 vendors, providers, and users. NTCA also recommends that the Commission institute a financing model that is competitively neutral and platform agnostic, in order to sustain the transition and continuing operations of NG911.

**I. THE COMMISSION SHOULD URGE CONGRESS TO ESTABLISH UNIFORM LIABILITY PROTECTION FOR ALL NG911 SERVICE PROVIDERS AND VENDORS**

NTCA urges the Commission to work with Congress to develop comprehensive and standardized liability protection for all manufacturers, vendors, public safety answering points (PSAPs), and service providers operating in the 9-1-1, Enhanced-9-1-1 (E911), and NG911 marketplace. The association agrees with many initial commenters that liability protection should be platform agnostic, and extended to all types of data, including multimedia content.

As it stands right now, existing 9-1-1 liability protection varies from state-to-state based upon LEC tariffs, statutes, and judicial decisions. The New and Emerging Technologies Improvement of Act of 2008 was an important step in the right direction. However, as several parties noted in their initial comments<sup>2</sup>—and in previous comments filed in the E911 and NG911 proceedings—the underlying statute is voice centric; it relies upon the immunity afforded to the LEC based upon local tariffs which vary by jurisdiction, and the statutes, are being eliminated or replaced as they are often tied to time-division multiplexed technology. Further, the Next Generation 9-1-1 Advancement Act of 2012 was limited in scope and may not provide adequate protection for all parties involved in the planning, deployment, and operations of a NG911

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<sup>2</sup> Comments of AT&T, *In the Matter of 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. 10-25, PS Docket No. 11-153, and PS Docket No. 12-333), (“AT&T comments”) at 4. Also see comments of Telecommunication Systems at 6; Verizon and Verizon Wireless at 5; and T-Mobile at 9.

system. As a result, current liability protection is not designed for the advanced, IP-based services, software, and applications that encompass NG911.

Liability protection must also extend to all types of data and information pushed to a PSAP or pulled from external sources. In a digital world, multimedia content such as confidential and private health information may be easily exchanged between 9-1-1 call centers, patients, and external databases such as health information exchange centers.

NTCA agrees with Verizon and Verizon Wireless<sup>3</sup>, Motorola Solutions<sup>4</sup>, and Telecommunication Systems, Inc.<sup>5</sup>, that without adequate protection, the current liability risk proposition will deter innovation, investment, and deployment of NG911 technology and services. NENA characterizes the liability risk as “a significant disincentive to provide service.”<sup>6</sup> Further, as AT&T states, this risk will increase the cost for NG911 deployment as everyone in the NG911 value chain will likely increase rates and prices to cover potential claims and losses.<sup>7</sup>

The Commission should recommend that Congress take further steps to: (1) develop certainty and predictability in liability protection by providing one standard of protection to all carriers and vendors, and (2) expand existing legislation to cover all forms of data, including multimedia content. NTCA agrees with AT&T that “[I]mitation of liability protection for all in the 9-1-1 provisioning chain should be clear and unambiguous, comprehensive, standardized, nationwide, and applicable to all equally—regardless of technology involved.”<sup>8</sup>

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<sup>3</sup> Verizon and Verizon Wireless at 5.

<sup>4</sup> Motorola Solutions, Inc. at 7.

<sup>5</sup> Telecommunication Systems, Inc. at 5.

<sup>6</sup> NENA at 17.

<sup>7</sup> AT&T at 4.

<sup>8</sup> AT&T at 2.

## **II. THE COMMISSION SHOULD RECOMMEND THAT CONGRESS ESTABLISH A TECHNOLOGY-AGNOSTIC FUNDING MODEL**

The transition to NG911 will require the acquisition of substantial capital assets, including new equipment, and the reconfiguration of networks and terminating facilities. As such, this technological and service transformation will require significant resources derived from a consistent and adequate funding mechanism. NTCA supports many of the initial commenters in urging the Commission to create a neutral fee structure which is technology and platform agnostic.<sup>9</sup>

Current funding of 9-1-1 varies from state-to-state. The methodology and rates for imposing these charges are governed by state or local regulations, which often place a line-item fee or surcharge on the customer's bill based upon the type of voice service provided, such as wireline, VoIP, wireless, or wireless pre-paid service. Unfortunately, this results in inconsistent funding for 9-1-1 services, and the funding model is dependent upon the network carrier environment. As we transition to NG911, other non-traditional, IP-based applications might elect to offer 9-1-1 services to ends users and PSAPs. For instance, as part of the market's adoption of text-to-9-1-1, third-party texting services offered by "over the top" applications and device manufacturers may extend their services, offering 9-1-1 connectivity.

NTCA agrees with AT&T's conclusion that "in the monopoly, TDM-based world of the 20<sup>th</sup> Century, the line-item fee model for funding was adequate, but that model is not appropriate for the IP-enabled NG911 services for the 21<sup>st</sup> Century." In short, those that benefit from the expanding 9-1-1 environment also should pay to support the public service, regardless of the technological platform on which they choose to operate.

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<sup>9</sup> Comments of TracFone Wireless, Inc., at 8; iCert at 2-3; NENA at 18-19; Intrado at 9; Verizon and Verizon Wireless at 9.

### III. CONCLUSION

As we transition into a dynamic, IP-based world, NTCA urges the commission to review the existing structure for 9-1-1 services. To ensure widespread adoption of NG911, the Commission should collaborate with Congress to develop comprehensive, standardized and platform-agnostic liability protection for all manufacturers, vendors, providers and PSAPs operating in the 9-1-1, E911, and NG911 marketplace. Moreover, NG911 will require an adequate and consistent funding model which is technology and platform agnostic and that requires all 9-1-1 service providers, including but not limited to new, IP-based cloud services, to support the system that enable this essential public service.

Respectfully submitted,



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