

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

In the Matter of

Framework for Next Generation 911  
Deployment

PS Docket No. 10-255

Facilitating The Deployment Of Text-To-  
911 And Other NG911 Applications

PS Docket No. 11-153

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

**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”) commends the Commission for soliciting the views of all stakeholders as it prepares its report to Congress on the legal and statutory framework for Next Generation 911 (“NG911”). The vast majority of commenters agree on many key points: that a smooth NG911 transition will require state or regional coordination; that nationwide, uniform liability protection is beneficial for all; and that outdated regulations creating obstacles for NG911 deployment should be revised or removed. In addition, T-Mobile supports Tracfone’s recommendation of point-of-sale 911 fee collection for prepaid services, as well as with those concerned about the intellectual property implications of NG911. Finally, T-Mobile reiterates that wireless carriers should not be burdened with additional responsibilities in an NG911 ecosystem other than transmission of data from handsets to Emergency Services IP Networks (“ESInet”).

**Regional NG911 Coordination and Cutover.** A smooth transition to NG911 is unlikely to be accomplished if deployment occurs on a PSAP by PSAP basis. While PSAPs can choose when they move from a legacy 911 to an NG911 system, the networks used to connect carriers to the PSAPs, *i.e.*, ESI-nets, need to be cutover on a state or regional basis. Because NG911 requires an entirely new architecture, state coordination and deployment (or regional coordination and deployment where metropolitan areas may cross state lines) is critical to ensuring efficient and cost effective implementation. T-Mobile is pleased that almost every commenter agrees that this is the most sensible way to proceed, with NENA acknowledging that “[s]tate-level coordination...will be critical to the success of NG9-1-1 due to its novel architecture”<sup>1</sup> and that “it will no longer be possible to devolve all responsibility for 9-1-1 deployment to their municipalities.”<sup>2</sup> Indeed, as NENA points out, “some functionalities, such as interconnection of regional or local Emergency Services IP Networks (“ESInet”)...can only be effectively accomplished at the state level.”<sup>3</sup> This approach, however, will not slow deployment because legacy PSAPs can cut over to an ESInet once it is operational and receive emergency calls through it via an associated Legacy Network Gateway. Furthermore, regional or state cutovers will ensure that carriers do not need to maintain expensive dual connectivity to both next generation and legacy 911 networks, *i.e.*, carriers will be relieved of the undue burden

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<sup>1</sup> Comments of the National Emergency Number Association, at 4 (“NENA Comments”). Unless otherwise noted, all comments discussed herein were filed on December 13, 2012, in PS Docket Nos. 10-255, 11-153, and 12-333.

<sup>2</sup> NENA Comments at 4. *See also* Comments of AT&T Inc. at 6 (“AT&T Comments”); Comments of Verizon and Verizon Wireless at 4 (“Verizon Comments”), Comments of Bandwidth.com, Inc. at 2 (“Bandwidth.com Comments”); Comments of Intrado Inc. and Intrado Communications Inc. at 2 (“Intrado Comments”); *see also* Comments of L.R. Kimball at 3 (“The historical record reveals that states that provided some level of coordination and oversight in the deployment of wireless E9-1-1 were more successful than those that did not.”).

<sup>3</sup> NENA Comments at 4.

of supporting tandem connections.<sup>4</sup> T-Mobile encourages the Commission to support statewide (or regional, in appropriate areas) deployment of NG911.

**Federal Guidance and Standards.** T-Mobile also notes that almost every commenter acknowledges the necessity of federal guidance,<sup>5</sup> as well as a federal focus on standards.<sup>6</sup> Because NG911 represents an entirely new architecture for connecting consumers with public safety, it is critical that nationwide, interoperable technical standards are adopted and implemented across the board, and that the Commission support the relevant standards-setting bodies in their work.

**Uniform Liability Protection.** Every commenter to address the issue advocated for uniform liability protection for NG911. The current patchwork of liability statutes and regulations across states creates a barrier for speedy NG911 implementation and as AT&T notes, “[t]he existing limitation-of-liability protection is inadequate to the task because it is not consistent nationwide and leaves parties uncertain as to the extent that protection is provided (if at all).”<sup>7</sup> Moreover, in a world in which services are mobile and PSAP call-taking can be shifted rapidly across state lines in cases of emergency or overload, such as when a regional natural

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<sup>4</sup> See Comments of T-Mobile USA, Inc. at 6-7 (“T-Mobile Comments”).

<sup>5</sup> Bandwidth.com Comments at 2 (“without a consistent, federal mandate requiring all necessary stakeholders to participate according to clear rights and obligations, nationwide deployment of NG9-1-1 systems will not be possible”); Intrado Comments at 6 (“It is critical that the federal government assume responsibility for ensuring reliable and secure 9-1-1, E9-1-1, and NG9-1-1 networks.”).

<sup>6</sup> Intrado Comments at 6 (“it would be appropriate for the federal government to establish some level of guidance with respect to PSAP infrastructure”); Comments of Motorola Solutions, Inc. at 5 (“Motorola Solutions Comments”) (noting that “there is...a need for uniformity in state and national governance of the 9-1-1 system,” and “[c]oordinated governance at the state and Federal levels will help to ensure that NG9-1-1 deployments proceed in an interoperable, standards-based manner.”).

<sup>7</sup> AT&T Comments at 2. See also Intrado Comments at 8, Motorola Solutions Comments at 7 (“National consistency in liability protection is essential to encouraging investment and promoting a smooth NG9-1-1 transition.”).

disaster strikes, all stakeholders – consumers, PSAPs and providers – should have a uniform liability framework that will not vary as the consumer or the call-taker changes location. As such, T-Mobile agrees with NENA, which has called for “the Commission [to] propose the creation of a comprehensive liability protection scheme that would bar any cause of action or imposition of liability for ordinary negligence in the provisioning of 9-1-1 service.”<sup>8</sup>

**Updating Regulations for NG911.** Many commenters note, as did T-Mobile, that current 911 regulations will need to be updated to accommodate the new architecture of NG911. In particular and similar to T-Mobile, the Texas 9-1-1 Entities pointed out that cost and demarcation issues will continue to arise in an IP ecosystem.<sup>9</sup> As T-Mobile noted, many of those issues could be resolved by updating regulations that use the selective router as the demarcation point and instead identifying the demarcation point as the carrier-facing headend of the ESInet.<sup>10</sup> As long as such outdated regulations remain in place, they will impede NG911 deployment.<sup>11</sup>

**E911 Fees for Prepaid Services.** T-Mobile also agrees with TracFone regarding the correct methodology by which to collect 911 fees from consumers who use prepaid mobile services. TracFone recommends that these 911 surcharges be collected at the point-of-sale,<sup>12</sup> and T-Mobile agrees. Point-of-sale collection reduces complexity and increases 911 fee collection in a manner that is “competitively and technologically neutral.”<sup>13</sup>

**Intellectual Property Rights for NG911 Services.** While intellectual property rights (“IPR”) were not specifically cited in the Public Notice, T-Mobile agrees with the comments of

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<sup>8</sup> NENA Comments at 17.

<sup>9</sup> Comments of the Texas 9-1-1 Entities at 9-10.

<sup>10</sup> T-Mobile Comments at 10-11.

<sup>11</sup> See Bandwidth.com Comments at 5.

<sup>12</sup> Comments of TracFone Wireless Inc. at 4 (“TracFone Comments”).

<sup>13</sup> TracFone Comments at 4.

TeleCommunication Systems (“TCS”) that state the Commission cannot ignore the effect that IPR issues will have on the success of NG911 deployment.<sup>14</sup> When carriers and vendors preparing to deploy public safety networks are held hostage to owners of intellectual property, the ultimate losers are the American people. T-Mobile concurs with TCS that the Commission should review its policies regarding IPR and make any necessary changes to prevent potential delay in deployment of NG911 systems.

**No Requirements Other than to Transmit Data.** T-Mobile reiterates that the Commission should ask Congress to ensure that wireless carriers not be burdened with specific data transmission requirements in an NG911 system, but instead limit the obligations on wireless carriers to connecting data from the device to public safety. Specifically, other than providing A-GPS capable handsets, carriers should not be burdened by any additional obligations, aside from directing 911 data traffic to the appropriate regional or state level ESInet once that network – and its PSAPs – have made the cutover from a legacy 911 architecture. As Verizon notes, the Commission has imposed outcome oriented and technologically neutral requirements on call data and location accuracy transmission under E911, and as a result “[w]ireless carriers have been able to timely develop and deploy E911 services through this framework.”<sup>15</sup> NG911 should be no different. Other than the continuing requirement to provide A-GPS capable handsets and transmit data from a caller’s handset to the appropriate ESInet, wireless carriers should not be required to meet any other specific technological obligations.

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T-Mobile looks forward to working with the Commission and other stakeholders on the migration to NG911. The move to an IP network for emergency services holds great promise for

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<sup>14</sup> Comments of TeleCommunication Systems, Inc. at 11-12.

<sup>15</sup> Verizon Comments at 6.

public safety and the general public, but like all major transitions, there are potential pitfalls that can be avoided only through smart policies and proper planning. T-Mobile encourages the Commission to recommend that Congress take the specific actions discussed above to ensure that this transition is as smooth as possible.

Respectfully submitted,



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