

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

In the Matter of)	
)	
Public Safety and Homeland Security)	PS Docket No. 12-333
Bureau Seeks Comment on the Legal)	DA 12-1831
And Statutory Framework for Next)	
Generation 9-1-1 Services Pursuant to)	
The Next Generation 9-1-1 Advancement)	
Act of 2012)	
)	
Facilitating the Deployment of)	PS Docket No. 11-153
Text-to-911 and Other Next Generation)	
911 Applications)	
)	
Framework for Next Generation 911)	PS Docket No. 10-255
Deployment)	

REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

I. INTRODUCTION

Sprint Nextel Corporation (“Sprint”) submits these Reply Comments in response to the Public Safety and Homeland Security Bureau (“Bureau”) Public Notice seeking comment on the deployment of Next Generation 9-1-1 (“NG9-1-1”), pursuant to the Next Generation 9-1-1 Advancement Act of 2012.¹ Sprint supports the creation of a nationwide NG9-1-1 system. NG9-1-1 services will provide lifesaving capabilities and new communication channels today’s legacy 9-1-1 system cannot provide. Sprint agrees with commenters on the need for state or regional level deployment, expanded liability protections and changes to the current 9-1-1

¹ *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, Public Notice, DA 12-1831, PS Docket 12-333 (Released November 13, 2012) (“Public Notice”).*

funding model. By making recommendations to Congress on these and other important aspects of NG9-1-1 deployment, the Commission can facilitate the expeditious rollout of NG9-1-1 service.

II. DISCUSSION

A. Legal and Regulatory Framework for the Development of NG9-1-1 Services

Sprint agrees with those commenters who advocate coordination of NG9-1-1 deployment at the state or regional level.² State or regional level deployment, rather than at the county or PSAP level, will speed roll-out of a long-term solution. Because there are approximately 6,800 PSAPs with varying technology solutions in place, it would be enormously difficult to implement a “one-size-fits-all” approach. Greater consolidation and coordination among this diverse group will limit the number of alternative solutions that must be developed and would be more efficient. States/regions should take the interests and opinions of counties and PSAPs into account and, where appropriate, coordinate open discussions with counties and PSAPs to assist in formulating deployment approaches. A centralized authority, however, will be necessary to efficient deployment. To facilitate coordination at the state level, Sprint agrees Congress should adopt appropriate incentives, such as federal funding support for states/regions that commit to deployment at the state or regional level.³

Sprint agrees with those commenters that emphasize the need for national standards. “The quickest possible transition to NG911 will require a strong, long-term federal focus on

² See Comments of Verizon and Verizon Wireless (“Verizon”) at 3-4; Comments of T-Mobile USA, Inc. (“T-Mobile”) at 8; Comments of CSI Counties of Southern Illinois (“CSI”) at 1; Comments of The Rehabilitation Engineering Research Center for Wireless Technologies (“Wireless RERC”) at 4.

³ Comments of Verizon at 4; Comments of APCO at 3.

NG911 standards and goals.”⁴ Sprint also agrees with the Consumer Groups representing the deaf and hard of hearing community that, “To ensure that every American has complete access to emergency services, the Commission needs to establish consistent standards and requirements that will apply to the entire country.”⁵ It is imperative that the technical and operational elements of NG9-1-1 are standardized and that those standards are implemented at a national level so that carriers are not faced with expending time and financial resources on transition enhancements at the local level that are ultimately not part of the final and standard NG9-1-1 plan. The designation of national and state/regional oversight bodies will better ensure adherence to a standardized architecture.

The Public Notice asks what role the federal government should play in NG9-1-1 oversight, and whether the Commission should recommend that Congress enact legislation defining the federal government’s role.⁶ The federal government should establish an NG9-1-1 architecture and implementation advisory committee with representatives from state and regional entities, industry organizations such as NENA and ATIS, and service providers. This committee should report to the Commission quarterly on the status of implementation by PSAPs within the various regions/states. This advisory committee should also be utilized to initiate the development and deployment of shared state-wide Emergency Services IP Networks (“ESInets”) and ensure that they interconnect with each other. National carriers should not be required to

⁴ Comments of T-Mobile at 3.

⁵ Comments of Telecommunications for the Deaf and Hard of Hearing (“TDI”), the Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), National Association of the Deaf (“NAD”), California Coalition of Agencies Serving Deaf & Hard of Hearing Persons, Inc. (“CCADHH”), Hearing Loss Association of America (“HLAA”), Association of Late-Deafened Adults, Inc. (“ALDA”), Cerebral Palsy and Deaf Organization (“CPADO”), and Technology Access Program at Gallaudet University (“TAP”) (collectively the “Consumer Groups”) at 5.

⁶ Public Notice at 3.

connect to hundreds of ESInets if they are configured as independent islands. Further, commercial entities should not be permitted to control access to these ESInets. An advisory committee should provide direction on these aspects of NG9-1-1 deployment and should ensure the roll-out of NG 9-1-1 takes place within all regions/states in a uniform manner.

The Telecommunications Industry Association (“TIA”) has made a similar recommendation, stating “... we suggest that the Commission recommend that Congress provide the authority and resources for an advisory committee to ensure that cross-industry and public safety concerns and expertise are considered, and to encourage continued dialogue on how best to empower carriers, vendors, and other stakeholders to provide further advanced 9-1-1 technologies.”⁷ TIA also recommends that such an advisory authority should closely coordinate with FirstNet.⁸ Sprint also agrees strongly with this recommendation. Indeed, at a recent board meeting of the First Responder Network Authority, NTIA staff indicated that a consistent theme in responses to its Notice of Inquiry on FirstNet Network Architecture involved the importance of incorporating 9-1-1 networks within the FirstNet architecture.⁹

The Public Notice asks whether a single federal entity should be established or designated to oversee the transition to NG9-1-1, and/or to ensure compliance with required standards, coordination, implementation, and policies and whether a specific agency or agencies should be responsible for establishing national policy to ensure consistent regulation of NG9-1-1.¹⁰ Motorola Solutions Inc. (“MSI”) is correct when it argues that Congress specify and fund

⁷ Comments of TIA at 7-8.

⁸ *Id.*

⁹ Laura Pettus, “NOI Response,” First Responder Network Authority (FirstNet) Board Meeting, December 11, 2012.

¹⁰ Public Notice at 3.

one organization as the NG9-1-1 coordinating body.¹¹ “This agency should have responsibility and authority for establishing a minimum set of NG9-1-1 requirements to help guide the deployment of and ensure interoperability of state/regional/local level NG9-1-1 services.”¹² Sprint agrees that a single federal entity should be designated to oversee the transition to NG9-1-1 and ensure compliance with standards, coordination, implementation and policies. As a national carrier, Sprint is concerned that without a single oversight authority, NG9-1-1 deployment will ultimately be both inconsistent and inefficient.

This federal oversight authority will play a critical role in coordinating relationships between the entities involved in the delivery of NG9-1-1 information. As part of this role, the federal oversight authority should require states or regions requesting NG9-1-1 capabilities to demonstrate they (and their PSAPs) are capable of receiving NG9-1-1 information. The Commission should not ask carriers to migrate toward NG9-1-1 in a state or region without an indication of readiness by all PSAPs in the service area. There are limited resources available to design, engineer and deploy NG9-1-1 and it is only logical that those resources be focused on the areas that will be able to make use of them.

In the Public Notice, the Bureau seeks comment on whether the Commission should recommend that Congress take further steps to provide for liability protection to promote the development of NG9-1-1.¹³ Liability protection is critical to promote the development of NG9-1-1. AT&T is correct when it argues that, “Limitation-of-liability protection for all persons and entities in the provisioning chain for access to 9-1-1 emergency services, regardless of

¹¹ MSI Comments at 4.

¹² *Id.*

¹³ Public Notice at 4.

technology, should be a national concern and should be articulated at the national level.”¹⁴ Sprint further agrees with those commenters that have argued that liability protection should apply equally to all - regardless of the technology involved.¹⁵

The NG9-1-1 system, where data will come from a variety of different sources, will raise important liability concerns that Congress should address. Existing liability protections need to be expanded to extend to all forms of data included as part of NG9-1-1. In addition, because current state liability protections are based on state law, there is a patchwork of inconsistent regulations that must be made more uniform. As Verizon discusses in its comments, where a state does not have a 9-1-1 liability protection statute or has a statute that does not cover non-voice services, liability risks could potentially deter NG911 deployment.¹⁶ Sprint agrees with the Texas 911 Entity Comments that, “Because tort law may arguably be a product of state laws, in addition to any federal law changes addressing 9-1-1 liability, it is also reasonable to address liability protection issues at the state law level as needed if there are uncertainties in the context of 9-1-1 emergency governmental services and IP technologies.”¹⁷ A federal statute clarifying immunity for 9-1-1 providers should be enacted to provide consistency and uniformity at a national level. Existing state laws would still be relevant and appropriate, though in some cases further clarification and expansion of state law may be required and would be welcome.

¹⁴ Comments of AT&T, Inc. (“AT&T”) at 5.

¹⁵ Comments of AT&T at 5; Comments of APCO at 4; Comments of CSI at 3; Comments of MSI at 7; Comments of Telecommunications Systems Inc. (“TCS”) at 6.

¹⁶ Comments of Verizon at 5.

¹⁷ Comments of The Texas 9-1-1 Alliance, the Texas Commission on State Emergency Communications, and the Municipal Emergency Communication Districts Association (collectively, “the Texas 9-1-1 Entities”) at 15.

The Bureau asks whether the Commission should recommend that Congress take steps to ensure that 9-1-1 funding mechanisms are technologically neutral so that the funding obligation does not disproportionately burden certain types of services over others.¹⁸ Commenters recognize the need to ensure that funding is technology neutral.¹⁹ NG9-1-1 funding mechanisms should be technology neutral and apply to all service providers, not just those service providers providing network access. Contributions should be required from all service providers, including VoIP application and IP-enabled service providers operating over a commercial wireless network. In addition, Sprint agrees with APCO's recommendation that, "... 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."²⁰ The existing funding model for 9-1-1 service is outdated and should be reexamined.

B. Ensuring Efficient and Accurate Transmission of 9-1-1 Caller Information to Emergency Response Agencies

The Public Notice asks whether Congress should enact legislation to require or incentivize the development of technologies that provide more accurate and efficient transmission of 9-1-1 caller information in a NG9-1-1 environment.²¹ While Sprint supports the deployment of NG 9-1-1, legislation is unlikely to anticipate the rapidly changing technology and expectations for this service. NG9-1-1 service has the potential to eventually provide capabilities that enhance information transmitted and/or stored at the PSAP (such as health records or building diagrams). Legislation addressing efficiency and accuracy at this stage risks

¹⁸ Public Notice at 4.

¹⁹ Comments of AT&T at 3; Comments of Rehabilitation Engineering Research Center for Wireless Technologies ("Wireless RERC") at 9; Comments of The Industry Council for Emergency Response Technologies ("iCERT") at 2-3.

²⁰ Comments of APCO at 5.

²¹ Public Notice at 5.

applying legacy views and requirements on these emerging capabilities. Ultimately, this could hamper the full realization of the promise of NG9-1-1. As Verizon notes, “Issues such as accuracy and efficiency are being addressed through the industry standards processes and through service provider and PSAP best practices.”²² Accordingly, Sprint does not support legislation requiring or incentivizing the development of more accurate and efficient transmission of 9-1-1 caller information in a NG9-1-1 environment.

C. Removing Jurisdictional Barriers and Inconsistent Legacy Regulations

In the Public Notice, the Bureau seeks comment on existing state laws and regulations that could hinder the development of NG9-1-1 services, and asks whether the Commission should recommend that Congress act to require states to remove such laws and regulations.²³ For example, the Public Notice asks whether there are existing state approval processes and certification requirements for System Service Providers (“SSPs”) that are outdated or overly burdensome.²⁴

As the Commission notes, in the legacy 9-1-1 system, incumbent local exchange carriers are typically the primary 911 SSPs.²⁵ This is likely to change with the shift to a NG9-1-1 environment where there are likely to be multiple SSPs offering a variety of service capabilities and options.²⁶ To date, the FCC has not provided specific guidance on what roles will be played by SSPs, NG9-1-1 regional bodies, and/or ESInets and how the responsibilities of these different entities will be delineated. For example, it is not clear whether the function provided by the SSP

²² Comments of Verizon at 6.

²³ Public Notice at 6.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

will already be covered by the NG9-1-1 network provider (either by the public safety agency or through some managed service arrangement). A national oversight authority should define these roles and evaluate existing regulations to determine whether they will hinder transition to this new organizational environment.

D. Outdated Federal 9-1-1 Regulations and Inconsistent State Regulations

Sprint believes that in order to be successful, the NG9-1-1 environment must allow for competition. APCO is correct that, “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.”²⁷ As NENA recommends, “The FCC should launch an advisory committee tasked with conducting a comprehensive review of state regulations with an eye toward identifying those that may impede NG9-1-1 deployment.”²⁸ Sprint would also recommend that the advisory committee have the authority to review and make recommendations regarding the need for modification or elimination of federal regulations that may inhibit the development of NG9-1-1 services.

III. CONCLUSION

NG9-1-1 service will bring significant enhancements above and beyond the capabilities of the existing 9-1-1 system. In order to ensure the efficient deployment of NG9-1-1, it is important that Congress create incentives for state or regional deployment as well as create incentives for a single regional oversight authority and a single national oversight authority. Congress should also clarify that liability protections apply to all service providers involved in

²⁷ Comments of APCO at 6-7.

²⁸ Comments of NENA at 9.

the provision of NG 9-1-1 service. Finally, Congress should take steps to ensure NG9-1-1 funding mechanisms are technology neutral and apply to all service providers, not just those service providers providing network access.

Respectfully Submitted,

SPRINT NEXTEL CORPORATION

/s/ Allison M. Jones

Charles W. McKee
Michael B. Fingerhut
Ray M. Rothermel
Allison M. Jones

900 7th Street, NW, Suite 700
Washington, DC 20001
703-433-4992

Its Attorneys

January 14, 2013