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

In the Matter of	)	
	)	
Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications	)	**PS Docket No. 11-153**
	)	
Framework for Next Generation 911 Deployment	)	**PS Docket No. 10-255**

To: The Commission

COMMENTS

The Blooston Rural Carriers (identified on Appendix A hereto), by their attorneys and pursuant to the Commission's *Further Notice of Proposed Rulemaking*, FCC 12-149, released December 13, 2012 ("*FNPRM*"), hereby submit their comments in the referenced proceeding on the issues presented in Section III.A of that document. In support hereof, the following is shown:

Statement of Interest

1. The Blooston Rural Carriers are Tier III Commercial Mobile Radio Service ("CMRS") providers authorized by the Commission to provide wireless service in rural areas. As such, they will be subject to any text-to-911 requirements that may be adopted by the Commission in this proceeding, and therefore they each have a direct economic interest in the outcome of the issues raised in this proceeding. The Blooston Rural Carriers agree that the introduction of texting-to-911 is a valuable capability that is consistent with the movement toward Next Generation 911 ("NG 911"), but wish to make sure that this new capability is implemented in a reasonable manner in rural areas, as was done with certain aspects of other important initiatives such as E911.

The Commission Should Allow Small and Rural Carriers to Implement Text-to-911 on a Reasonable Schedule Based on PSAP Readiness

2. Section III.A of the *FNPRM* solicits comment on the issue of carrier-provided automated error messages for failed text-to-911 attempts ("bounce-back-messages") and on the issue of consumer expectations and education. The text-to-911 (sometimes referred to in the *FNPRM* as "SMS-to-911") proposals contained in the *FNPRM* are clearly driven by, and modeled after, the provisions of the recent "Carrier-NENA-APCO Agreement," dated December 6, 2012 ("the Agreement""), in which the four signatory carriers (Verizon Wireless, AT&T, T-Mobile and Sprint Nextel) agree to provide, by May 15, 2014, text-to-911 service to those Public Safety Answering Points ("PSAPs") that have made a valid request for the service. Under the terms of the Agreement, "valid PSAP requests for Text-to-911 service will be implemented within a reasonable amount of time of receiving such a request, not to exceed six months."[1] A request will be considered "valid" if the "requesting PSAP represents that it is technically ready to receive 911 text messages in the format requested," and "the appropriate local or State 911 service governing authority has specifically authorized the PSAP to accept and, by extension, the signatory service provider to provide, text-to-911 service (and such authorization is not subject to dispute)."[2] The Agreement further obligates the signatory carriers to implement a bounce-back message capability by June 30, 2013.[3] The bounce-back message will "alert subscribers attempting to text an emergency message to instead dial 911 when text-to-911 is unavailable in

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[1] *FNPRM*, Para. 16.
[2] *FNPRM*, Para. 16.
[3] *FNPRM*, Para. 16.

that area."[4] The Agreement limits the proposed text-to-911 solution "to capabilities of the existing SMS [Short Message Service] service offered by a participating wireless service provider on the home wireless network to which a wireless subscriber originates an SMS message;"[5] provides that SMS-to-911 will not be available to wireless subscribers roaming outside of their home wireless network;"[6] and states that "[e]ach implementation to SMS-to-911 will be unique to the capabilities of each signatory service provider or its Gateway Service Provider."[7]

3. With respect to wireless carriers generally, the Commission is concerned that, despite best efforts to educate consumers, some individuals will attempt to send text messages to 911 call centers in areas where text-to-911 is not supported by the PSAP for that area.[8] This "could put consumers at risk if they were unaware that an emergency text did not go through or were uninformed about alternative means of reaching the PSAP."[9] Accordingly, the Commission proposes to require CMRS carriers to automatically notify consumers attempting to text-to-911 in areas where the service is not supported or in other instances where the text cannot be transmitted to the PSAP, and to further tell them in the bounce-back message that they should instead place a 911 voice call. Comment has been requested on whether the bounce-back message capability can be in place and operational by June 30, 3013. [10]

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[4] *FNPRM*, Para. 17.
[5] *FNPRM*, Para. 19.
[6] *FNPRM*, Para 19.
[7] *FNPRM*, Para. 19.
[8] *See, e.g.*, *FNPRM*, Para. 21.
[9] *FNPRM*, Para. 21 *citing* the original *Notice of Proposed Rulemaking*, FCC 11-134, released September 22, 2011 at Para. 110.
[10] *FNPRM*, Paras. 25, 28, 31, 32.

4. At the outset, the Blooston Rural Carriers applaud the Commission's efforts to expand the nation's E-911 capabilities through a new text-to-911 feature. However, the Blooston Rural Carriers believe that the Commission should not adopt binding regulations in this area at this time, but instead should allow rural carriers to implement the service voluntarily, as demand warrants. In this regard, we wish to emphasize that the proposal contained in the *FNPRM* does not contemplate that text-to-911 will be offered outside a carrier's home market, and that carriers would be under no duty to provide the service to roamers. This means that the proposed requirement has limited scope.

5. The Blooston Rural Carriers wish to further point out that, in many rural areas, wireless carriers have not yet received a PSAP request for E-911 Phase I or Phase II voice service, which clearly indicates that the PSAPs in those areas are not capable of processing text-to-911 transmissions. Accordingly, carriers serving rural areas where no valid Phase I or Phase II E-911 PSAP service requests have been received should be exempt from any and all requirements to provide text-to-911 service or bounce-back messages (and associated consumer education) in those rural areas, until such time as a valid Phase I or Phase II voice service request has been received. Text-to-911 and bounce-back messages should be required in those areas only after, or as part of, a valid PSAP request specifically requesting text-to-911 service has been received by the carrier.

6. The Commission seeks comment on the costs that would be incurred by small and rural CMRS providers in implementing the bounce-back message requirement compared to the public safety benefits for their subscribers.[11] First, the Blooston Rural Carriers recommend that

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[11] *FNPRM*, Para. 27.

more detailed information be made available about the costs and implementation steps required in conducting the text-to-911 trials mentioned in the *FNPRM*. Second, these costs would be minimal or non-existent if the Commission were to require the four carriers signatory to the Agreement to provide the necessary software to small and rural carriers free of charge, and they request the Commission to adopt such a regulation or to condition these carriers wireless service licensees to so require.

7. The Blooston Rural Carriers further request that Tier III carriers be accorded adequate time to acquire and install the necessary equipment and software to provide bounce-back messages specifically, and text-to-911 service in general. As the Commission has noted in the past, equipment manufacturers satisfy the needs of large carriers (Tier I and Tier II) before making equipment available to smaller carriers.[12] There is no reason to believe that the same state of affairs will not be experienced here. Indeed, there is no reason to believe that the signatories to the Agreement consider the text-to-911 and associated bounce-back software to be anything other than strictly proprietary, and that they have absolutely no intention of making it available to smaller carriers – carriers who compete with them. After all, the ability to provide text-to-911 service and related supervisory messages to the exclusion of competitors could afford the signatories a considerable competitive advantage over their rivals. Accordingly, if the signatories to the Agreement decline to make the software available, Tier III carriers should be given at least another five years within which to implement any required text-to-911 upgrades, and one year to implement the bounce-back message feature.

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[12] *Non-Nationwide Carriers (Order to Stay)*, 17 FCC Rcd. 14841 ,Para Nos. 10 & 11 (2002), *see also FCI 900, Inc.*,16 FCC Rcd. 11072 (WTB 2001) (granting all 900 MHz MTA licensees an extension of the construction deadline where the required equipment was non commercially

8. While perhaps a bit outside the scope of the issues presented in Section III.A of the *FNPRM*, the Blooston Rural Carriers nevertheless wish to emphasize that the states should be required to demonstrate that barriers on the PSAP end to the deployment of text-to911 deployment have been completely eliminated before a carrier is under any obligation to provide the service. Similarly, the state should be required to demonstrate that its PSAPs have the equipment to process all of the text-to-911 data elements before carriers are under any obligation to provide the service in a given geographic area.

9. Equally as important, the Commission should mandate that text-to-911 equipment acquisition and deployment issues be handled at the state level,[13] not the local level. Based on the rural wireless industry's experience in dealing with E-911 voice service, the process runs much smoother and with much greater efficiency when these matters are handled at the state level. The major benefit of state-level administration seems to be that only one governmental agency has to educate itself as to what is required and act accordingly. Allowing these decisions to be made at the local level produces a disproportionate amount of confusion, befuddlement and delay by local government public safety and budget officials and local government administrative personnel charged with the mechanics of E-911 deployment. While there were exceptions, inefficiency at the local government level was perhaps one of the greatest practical barriers to E-911 deployment in many areas, a deficiency that should not be repeated with text-to-911 deployment. For example, the process at the local level was sometimes characterized by seemingly endless disputes over which costs the PSAP was required to bear, with many local

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available in sufficient quantities in time to meet the five-year construction deadline).

[13] If the Commission declines to mandate state-level administration, it nevertheless should *strongly encourage it.*

PSAPs insisting that the carrier assume all of the costs notwithstanding the fact that this Commission had specifically identified which costs the respective parties were required to bear. Similarly, certain local PSAP claims that they were capable of processing the E-911 data elements ultimately proved false, meaning that carriers were required to spend significant sums on E-911 deployment when the PSAPs were not, in fact, capable of processing the E-911 data elements. These problems were most commonly encountered in counties with comparatively modest financial resources, but were not present where state-level administration of the program was employed.

WHEREFORE, the Blooston Rural Carriers request that their recommendations in this proceeding be adopted.

Respectfully submitted,

Blooston Rural Carriers

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ATTACHMENT A

Butler-Bremer Communications
Golden West Telecommunications
MAC Wireless, L.L.C.
NNTC Wireless, Inc.
Reservation Telephone Copperative
Triangle Communication System, Inc.
United Telecom
Wapsi Wireless, L.L.C.
West Texas Rural Telephone Cooperative, Inc.