

**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

**REPLY COMMENTS OF THE TEXAS 9-1-1 ENTITIES
TO THE FURTHER NOTICE OF PROPOSED RULEMAKING**

The Texas 9-1-1 Alliance,¹ the Texas Commission on State Emergency Communications,² and the Municipal Emergency Communication Districts Association³ (collectively, “the Texas 9-1-1 Entities”) respectfully submit the following reply comments to the Federal Communications Commission (the “Commission”) Further Notice of Proposed Rulemaking (“FNPRM”). The FNPRM seeks comments on notification issues that have the potential to alleviate near-term consumer confusion on the availability of text-to-911, both

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

² The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the State of Texas' authority on emergency communications. CSEC administers the Texas state 9-1-1 program under which 9-1-1 service is provided through the state’s 24 regional planning commissions to approximately two-thirds of the geography and one-third of the population of Texas.

³ The Municipal Emergency Communication Districts Association is an association of 26 municipal emergency communication districts, as defined under Texas Health and Safety Code § 771.001(3)(A), that are located primarily in the Dallas-Fort Worth area.

during the voluntary roll outs that several carriers have proposed and during the pendency of the Commission's proceeding.⁴

The Texas 9-1-1 Entities continue to support the Commission's good faith attempts in the FNPRM for a reasonable and balanced approach to the text-to-9-1-1 bounce back message requirement. Many of the suggested clarifications and additions in the initial comments of other interested parties are reasonable and appropriate in certain specific instances, and should be adopted in the final order and rules. In sharp contrast, however, the assertions challenging the Commission's legal authority are contradictory and do not withstand scrutiny in the context of the Commission's jurisdictional authority.

The Texas 9-1-1 Entities agree that the Commission should avoid any erroneous inferences that the Commission intends to require "non-service initiated" ("NSI") text-to-911.⁵ Similarly, the Commission should adopt Onstar's suggestion to clarify that a provider who offers "only voice services" is not subject to the text-to-911 requirement. Onstar's suggestion would also avoid any erroneous inferences that the Commission intended to require NSI text-to-911.⁶ For reasons expressed earlier by many parties, the Commission should follow its more recent approach regarding Interconnected VoIP 9-1-1 and not expand NSI requirements, especially given the growing and confusing convergence among differing types of services and technologies.

⁴ *In the Matter of Facilitating the Development of Text-to-911 and other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*; PS Docket No. 11-153; PS Docket No. 10-255, FNPRM at ¶¶ 20-41 (rel. Dec. 13, 2012).

⁵ CTIA initial comments at p. 10.

⁶ Onstar initial comments at pp. 1-7 ("OnStar, therefore, asks the Commission to clarify in its final rules that CMRS providers that do not offer interconnected text messaging services [such as OnStar with its pre-paid hands-free wireless calling ("HFC") services] are not subject to the requirements.").

The Commission should remain firm on the issues of bounce back message requirements as suggested by NENA,⁷ APCO,⁸ and the Consumer Groups and TAP.⁹ Rural carrier representatives who indicated that their members are unaware of difficulty in deploying the bounce back messages, subject to reserving ability to request waivers for implementation difficulties,¹⁰ also support the Commission adopting a reasonable but firm approach to the bounce back message requirement. If it is true, as pointed out by Motorola, CTIA, and the Consumer Groups and TAP,¹¹ that some wireless handsets cannot currently technically be modified to text to a three-digit short code, then limited, temporary waivers in such types of very special circumstances may be appropriate for Commission consideration.

The Commission should heed the prudent comments of AT&T,¹² T-Mobile,¹³ NENA,¹⁴ and APCO,¹⁵ who caution against potentially diverting 9-1-1 resources by promoting testing

⁷ NENA initial comments at pp. 1-5.

⁸ APCO initial comments at p. 2.

⁹ Telecommunications for the Deaf and Hard of Hearing, Inc.; National Association of the Deaf; Association of Late-Deafened Adults, Inc., Hearing Loss Association of America; Deaf and Hard of Hearing Consumer Advocacy Network; Cerebral Palsy and Deaf Organization; California Coalition of Agencies Serving Deaf and Hard of Hearing People; Technology Access Program at Gallaudet University (“Consumer Groups and TAP”) at pp. 3-9.

¹⁰ Rural Telecommunications Group, Inc. (RTG”) at pp. 1-2 (“RTG is unaware of any of its members to date who anticipate difficulty in complying with the proposed bounceback requirement and RTG therefore does not oppose adoption of the proposed June 13 deadline. However, to the extent that carriers may face implementation difficulties in meeting the June 13 deadline, RTG notes that such carriers may elect to seek waiver relief.”).

¹¹ Motorola initial comments at pp. 2-3; CTIA initial comments at p. 7; and Consumer Groups and TAP at p. 5.

¹² AT&T initial comments at pp. 9-10.

¹³ T-Mobile initial comments at p. 5.

¹⁴ NENA initial comments at p. 9.

¹⁵ APCO initial comments at p. 4.

text-to-911 availability by sending texts to 9-1-1. However, a testing short code, the alternative proposed by Motorola¹⁶ and TCS, deserves additional study as suggested by TCS.¹⁷ Also worthy of further study is NENA's suggestion to make widely available mapping information on the availability of text-to-911.

Because the voice network and the SMS network treat "roaming" differently, it appears that the home carrier of a SMS subscriber may currently need to be responsible for generating the required bounce back message. Accordingly, on an expedited basis and consistent with the further investigation suggested during the January 11, 2013 EAAC meeting,¹⁸ the Commission should further consider the issue of "roaming" in the context of SMS provider responsibilities for bounce back messages. Similarly, while Textplus notes that in the case of application texting providers there may be hurdles in providing text-to-911, Textplus also notes that on the bounce back message requirement their industry "should not face significant technical challenges."¹⁹ Accordingly, it is reasonable for the Commission to broadly apply the bounce back requirement to SMS providers and application texting providers.

The Commission should reject assertions that it lacks authority to require the bounce back messages under the Communications Act of 1934, as amended ("Communications Act"),

¹⁶ Motorola initial comments at pp. 2-4.

¹⁷ TeleCommunications Systems, Inc. initial comments at pp. 7-8.

¹⁸ EAAC January 11, 2013 meeting, Interim Text to 911 Working group Presentation available at (<http://www.fcc.gov/encyclopedia/emergency-access-advisory-committee-eaac>) ("SMS Roaming: Due to existing SMS network standards and architectures, SMS-based Text-to-911 may not be available when a text message is originated on a wireless network other than the home wireless network to which a message originator has a valid subscription [i.e. roaming on a wireless network]. Additional research by appropriate technical and standards organizations may be required to provide a "bounce back" notification in this situation.").

¹⁹ Textplus initial comments at p. 2.

including the Communications & Video Accessibility Act (“CVAA”) as urged by CTIA²⁰ and VON.²¹ VON argues that the CVAA cannot provide the Commission authority because bounce back messages rules would not be focused on “internet protocol-enabled emergency network,” but are, instead, focused on the existing “public switched network.”²² However, CTIA’s and VON’s authority challenges should be rejected based on VON’s own argument.

The Commission has not ruled that any type of communications that uses numbers to connect to another person is not “telecommunications” subject to the Commission’s jurisdiction over “telecommunications,” “numbering,” and “9-1-1.” VON’s argument supports the Commission’s authority, because VON indicates that the proposed text-to-911 rules involve the “public switched network” -- which is within the Commission’s “telecommunications,” “numbering,” and “9-1-1” authority. Historically, under the Commission’s Part 64 *Miscellaneous Rules Relating to Common Carriers* (47 C.F.R. Part 64) connecting devices to the telecommunications network (*i.e.*, the PSTN), the Commission had requirements that addressed critical issues, such as the ability of devices to interact with 9-1-1. To the extent necessary, the Commission should simply clarify, for the limited purposes of 9-1-1 service, that anything with the ability to use telephone numbers to reach others is subject to the Commission’s jurisdiction over “telecommunications,” “numbering,” and “9-1-1.”

The Texas 9-1-1 Entities appreciate the opportunity to provide these reply comments and respectfully request that the Commission take action consistent with these reply comments.

²⁰ CTIA initial comments at pp. 3-4.

²¹ VON initial comments at pp. 6-7 (“The Commission lacks the authority to apply any of the FNPRM’s proposed obligations on what it has categorized in the FNPRM as “interconnected text providers,” including any new obligations to provide automatic error messages for texts to 911.”).

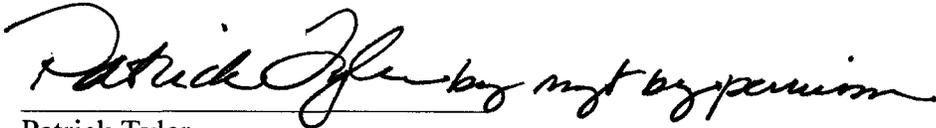
²² *Id.*

Respectfully submitted,



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February 8, 2013