

**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 COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”) hereby submits these reply comments in response to the Section III.A of the Commission’s Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceeding.¹

INTRODUCTION AND SUMMARY

The Commission’s goal of facilitating eventual deployment of text-to-911 capability for all wireless subscribers is laudable, and the benefits of such a system are undeniable. CCA applauds the recent voluntary agreement entered into by and between public safety groups and the nation’s largest carriers (the Carrier-NENA-APCO Agreement),² and CCA is hopeful that its carrier-members will be able to reach a similar agreement in the near future. There are, however, unique economic and technical challenges to non-Tier I carriers’ implementation of the Commission’s proposed mandates, including the automatic error “bounce-back” message. CCA

¹ See *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket No. 11-153, et al., Further Notice of Proposed Rulemaking, FCC 12-149 (rel. Dec. 13, 2012) (FNPRM). CCA reserves comment on the remaining sections of the FNPRM until such time as comments become due on those sections.

² See FNPRM ¶ 3, n.3.

urges the Commission to act on its acknowledgement of these challenges,³ and adopt its proposal in the FNPRM to provide these carriers with six months from passage of an order in which to implement any bounce-back message requirement. Additionally, the Commission should not require carriers to send error notifications in all instances, but at this time should only require bounce-back messages when a carrier has not yet deployed text-to-911 capability on its home network in the area where the subscriber is attempting to text 911. Finally, the Commission should coordinate consumer education efforts to ensure consistency, but primary responsibility for consumer education on both the availability and limitations of text-to-911 should fall to state and local jurisdictions.

DISCUSSION

I. **THE FCC SHOULD PROVIDE RURAL AND REGIONAL PROVIDERS AN ADDITIONAL SIX MONTHS TO DEPLOY AUTOMATED ERROR MESSAGES**

The Commission should not force non-Tier I carriers to implement a bounce-back message on the same deadline as the signatories to the Carrier-NENA-APCO Agreement. In its FNPRM, the FCC mistakenly assume that costs for implementing a bounce-back message are manageable because the national carrier-signatories to the Carrier-NENA-APCO Agreement made their commitments independent of cost recovery.⁴ The record in this proceeding clearly renounces the Commission's inference. In fact, Sprint⁵ and T-Mobile⁶ (both signatories to the

³ *Id.* ¶ 28.

⁴ *Id.* ¶ 27.

⁵ Comments of Sprint-Nextel Corporation, PS Docket Nos. 11-153 *et al.*, at 7 (filed Jan. 29, 2013) (Sprint Comments).

⁶ Comments of T-Mobile USA, Inc., PS Docket Nos. 11-153 *et al.*, at 2-3 (filed Jan. 29, 2013) (T-Mobile Comments).

Carrier-NENA-APCO Agreement), as well as CTIA⁷ all explain why the Commission should not draw this conclusion. In its comments, Sprint recognizes that “simply by making the commitment to provide an auto-reply message, wireless providers are in no way representing that the costs associated with sending auto-reply messages are reasonable.”⁸ T-Mobile likewise states that “[t]hough the Commission suggests that the four nationwide carriers’ agreement to meet the voluntary commitments independent of their ability to recover costs from state and local governments indicates that bounce back implementation ‘appears to be feasible at a reasonable cost,’ bounce-back implementation is not necessarily inexpensive.”⁹

Beyond varying costs and network architectures, device capability is also an issue. However “simple” it may be for carriers to implement a three digit short code within their text messaging service platforms, “[t]he multiplicity of hardware/software combinations, coupled with the ability of customers to customize their devices, makes it virtually impossible for manufacturers to determine which of their legacy devices are capable of sending texts via three digit short codes.”¹⁰ Motorola Mobility “suspects that there are a significant number of handsets in use today that may not support three digit short codes.”¹¹

The FNPRM acknowledges that the Commission “must balance the risk of confusion against the need to provide carriers with an adequate amount of time to implement the bounce-

⁷ Comments of CTIA-The Wireless Association®, PS Docket Nos. 11-153 et al., at 12-13 (filed Jan. 29, 2013) (CITA Comments) (“The Commission has misinterpreted the intent of [the Carrier-NENA-APCO Agreement’s] cost recovery provision to suggest that ‘requiring automatic error messages appears to be feasible at a reasonable cost.’”)

⁸ Sprint Comments at 7.

⁹ T-Mobile Comments at 2-3.

¹⁰ Comments of Motorola Mobility LLC, PS Docket Nos. 11-153 *et al.*, at 3 (filed Jan. 29, 2013) (Motorola Comments).

¹¹ *Id.* at 2-3.

back notification” and admits that “[t]he evidence in the record indicates that carriers would require six months to implement [a] bounce-back notification.”¹² Rather than setting what may ultimately be an unrealistic deadline for some carriers and possibly forcing carriers to pursue costly waiver requests, the Commission should establish the implementation deadline for automatic error notifications at six months from adoption of an order on Section III.A of the FNPRM. This is the more pragmatic approach and typifies what the Commission has already found reasonable.¹³ Moreover, this approach will provide rural and regional carriers with an adequate amount of time to arrange for implementation of the requirement, and reduce the number of waiver requests received by the Commission and on which it would unnecessarily be required to expend resources responding to.

In addition to the mistaken assumption about cost, several parties rightfully point out that the FNPRM presupposes too much about carriers’ technical capabilities and implementation efforts. The Commission proposes that CMRS providers be required to automatically notify consumers attempting to text-to-911 *not only* in areas where text-to-911 is not supported, but also “in other instances where the text cannot be transmitted to the PSAP . . . whether due to network congestion, the inability of the PSAP to accept such messages, or otherwise.”¹⁴ Beyond the significant amount of uncertainty and confusion around the phrase “or otherwise”,¹⁵ Sprint’s comments in particular detail why it may not be technically feasible for carriers to deploy bounce-back messages, either prior to or after implementation of text-to-911 service, in such

¹² *FNPRM* ¶ 28, n.67.

¹³ *Id.*

¹⁴ *Id.* ¶¶ 25, 32.

¹⁵ CTIA Comments at 7.

instances (absent significant time, effort and expense).¹⁶ The record in this proceeding is replete with evidence of SMS's limitations,¹⁷ which directly affect a carrier's ability to send an automated error message in the circumstances described by the Commission.¹⁸ CCA agrees with Sprint's suggestion that the Commission only apply automatic notification requirements on carriers in "situations where the provider (or the provider's text-to-911 vendor) has direct control over the transmission of the text message *and* text-to-911 is unavailable."¹⁹

Finally, for reasons similar to those put forward by CTIA²⁰, CCA agrees with the Commission's proposal that text-to-911 providers not be required to use identical language for their automatic error messages.²¹ Rural and regional carriers should be allowed to innovate in this area through varying messaging models. Moreover, one of the strongest competitive advantages these carriers have is their commitment to customer service, which they should be allowed to capitalize on by developing the most effective error message to their unique

¹⁶ Sprint Comments at 3-6.

¹⁷ See, e.g., Comments of Sprint Nextel Corporation, PS Docket Nos. 11-153 *et al.*, at 1 (filed Dec. 12, 2011); Comments of T-Mobile USA, Inc., PS Docket Nos. 11-153 *et al.*, at 2 (filed Dec. 12, 2011); Comments of United States Cellular Corporation, PS Docket Nos. 11-153 *et al.*, at 4 (filed Dec. 12, 2011); Reply Comments of Southern Communications Services, Inc. d/b/a SouthernLINC Wireless, PS Docket Nos. 11-153 *et al.*, at 1-2 (filed Feb. 9, 2012).

¹⁸ Sprint Comments at 4-5.

¹⁹ *Id.* at 6 (emphasis added).

²⁰ CTIA Comments at 8 (noting that "flexibility in the wording of automated messages is beneficial because it avoids requiring carriers to revise the work that has already been done to implement bounce-back notification systems" and "allow[s] wireless carriers to continue to research and develop wording that is most appropriate")

²¹ *FNPRM* ¶ 32.

customer-base. CCA is, however, supportive of NENA’s four point criteria for bounce-back messages generally.²²

II. CONSUMER EDUCATION SHOULD BEGIN AT THE LOCAL LEVEL

Simply stated, state and local jurisdictions should bear the primary responsibility for grassroots education of consumers about both the availability and the limitations of text-to-911.²³ CCA agrees with T-Mobile that consumer education about text-to-911 “will likely be most successful when approached from a local perspective”²⁴ However, the Commission (and in particular the Public Safety and Homeland Security Bureau and the Consumer and Governmental Affairs Bureau) should coordinate these efforts and provide a framework to ensure consistency in their application.²⁵ CCA supports NENA’s recommendation that the FCC leverage the public education assets (such as lesson plans and curriculum) of primary and secondary schools to advance public awareness of text-to-911 services, including to “combat consumer confusion as text-to-911 is deployed.”²⁶ CCA also offers to assist the Commission in facilitating consumer education of both the advantages and limitations of text-to-911.

Regarding potential consumer “testing” of text-to-911 functionality, CCA urges the Commission to follow the recommendations offered by the public safety interest groups in this docket and not mandate such testing.²⁷ NENA’s alternative proposal of a text-to-911 mapping

²² See NENA Comments at 6-7; *FNPRM* ¶ 38.

²³ *FNPRM* ¶ 41.

²⁴ T-Mobile Comments at 4.

²⁵ *Id.*, Sprint Comments at 7-8; see also Comments of Telecommunications Systems, Inc., PS Docket Nos. 11-153 *et al.*, at 7 (filed Jan. 29, 2013).

²⁶ NENA Comments at 8.

²⁷ *FNPRM* ¶¶ 40-41; NENA Comments at 9-10; Comments of APCO International, PS Docket Nos. 11-153 *et al.*, at 3 (filed Jan. 29, 2013).

tool embedded with both PSAP and carrier availability information is a better solution for educating consumers rather than subscriber testing of text-to-911.²⁸

CONCLUSION

CCA supports the Commission's efforts to educate consumers about and make available text-to-911, so long as those efforts adequately account for the limitations faced by rural and regional carriers in implementing this regime (including error notifications) and do not require more of carriers than what is technically feasible. Carriers (as well as CCA) will do their part to help educate consumers about the availability and limitations of text-to-911, but primary responsibility for this education should fall to state and local jurisdictions, coordinated for consistency through the Commission.

Respectfully submitted,

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²⁸ NENA Comments at 10-11. CCA encourages the Commission to take note of NENA's recognition that PSAP deployment may occur on a regionalized basis, *Id.* at 10, and in particular to consider how regionalized deployment may help to alleviate consumer confusion about the availability of text-to-911. *See also* T-Mobile Comments at 3 (“[A]s PSAPs begin to accept text messages, implementation will become much more complex and more costly, as carriers will have to determine when and where bounce-back messages should be sent.”)