



Via Electronic Filing

June 28, 2013

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C. 20554

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

Dear Ms. Dortch:

On behalf of NorCal Services for Deaf and Hard of Hearing, a nonprofit, community based organization serving deaf and hard of hearing (hereinafter referred to as Deaf) individuals throughout 24 northeastern counties in California, I am submitting this request to dockets 11-153 and 10-255 Further Notice of Proposed Rulemaking (FNPRM) for the FCC to clarify in its pending order on Text to 911 that Deaf Consumers must have direct access to 9-1-1 services via interim solution of SMS Text and other technologies/ applications to 9-1-1.

The FNPRM on Text to 911 follows the report submitted by the FCC's Emergency Access Advisory Committee (EAAC), a committee that was charged with the task of making "recommendations to the FCC regarding policies and practices for the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, also known as NG911". In its final report, the EAAC adopted a resolution that was reinforced by consumer groups in their filings, to support "as an interim solution for Text-to-9-1-1, at a minimum, short message service (SMS), and other technologies as appropriate, with a three digit short code 9-1-1." (see: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-319329A1.pdf). The resolution reflected survey responses by individuals with disabilities about their needs and expectations regarding 911.

Prior to the formation of the EAAC, an FCC Summit on Disability Access to Emergency Services and a white paper on “*Deaf Consumer Needs and Expectations*” by the TDI’s E911 Stakeholder Council had already laid the foundation for direct access to 9-1-1 services. The white paper was filed to FCC’s docket 03-123, November 2006.

Since the closing of comment period, I have learned that several companies have started to work with PSAPs to provide a variety of services to ready them for the next-generation 9-1-1 IP based telecommunications. One company is offering to relay to the PSAP what is texted by the Deaf Consumer and text back to the deaf consumer the message from the PSAP – which is essentially a relay service¹. Surely this is not the only company with the same ideas, and not all such companies have experience working with Deaf Consumers. Even if this relay is intended as an interim until the PSAPs are upgraded to provide accessible IP based communications, there is nothing in writing to validate this will happen. Furthermore, the concern is the PSAPs would opt out on upgrading their system and instead rely on the relay service offered by such companies offer. The proposed ruling on Text-to-911 recognizes that the deployment of SMS text access to 9-1-1 may not be uniform; however it was not intended to permit deviation from direct access. Such deviation contradicts the spirit and intent of the Americans with Disabilities Act, Wireless Communications and Public Safety Act, NET 911 Act of 2008, Twenty-First Century Communications and Video Accessibility Act (CVAA), and other federal laws governing 9-1-1.

In 1996, the United States Department of Justice (US DOJ) reached a landmark agreement with the State of California to ensure deaf and hard of hearing residents have direct 9-1-1 access. At the time, California utilized a third party to “translate” TTY text based communication to 9-1-1. The system utilized by California was replete with errors including missed and lost calls, lack of standards for call processing, and lack of experience working with deaf consumers. Many 9-1-1 calls from deaf consumers went unanswered or were disconnected.

Even if some PSAPs may believe they need such an interim text solution, FCC needs to clarify that the Deaf Consumers must have direct communication with PSAPs which is the most effective, efficient, and appropriate means of communicating. This is especially important because a service that relays text messaging to voice and vice versa is not direct and not reliable. Moreover, such text relay mechanisms are being offered and done without the Deaf Consumers’ knowledge that their text is being voice relayed to the PSAP and relayed back in text. There are no existing standards in place for companies working with our population, especially those who use American Sign Language as a primary language and English as a second language. One company

¹ On 5/23/2013 a marketing promotion for Intrado indicates they will be providing text relay via their new TXT29-1-1 service. “Intrado’s TXT29-1-1 uses enhanced short message service (SMS) infrastructure to establish a text conversation directly between the caller and 9-1-1 call taker.” See <http://wirelessandmobilenews.com/2013/05/marlee-matlin-advocates-text-911-deaf-hearing-impaired.html>; On Friday, June 7, 2012 Intrado Representative, Toni Dunne on the panel at the M-enabling Conference (<http://www.m-enabling.com/agenda.html>) shared publicly, approximately four different services Intrado can provide PSAPs, one of which is to provide text relay services.

may have some experience, while others have absolutely no experience working with Deaf Consumers. We cannot afford to see the horrors of the past relived. There are no standards in place for SMS -text relay and this was never the intent of the FCC proposed ruling, hence, clear instructions are needed in this regard.

To reinforce the need for direct access, On March 8, 2013, the United States Department of Justice filed comments to this proceeding PS Docket 10-255, Docket 11-153, FCC 11-134, 26 FCC Rcd 1361 (rel. Dec 13, 2012); 78 Fed Reg 1799 (Jan 9, 2013) *"In the Matter of Facilitating the Deployment of Text-to-9-1-1 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment"*, emphasizing that PSAPs are required to handle TTY calls even if these started as SMS calls. The US DOJ further stated that if PSAPs with ready IP equipment choose to support text to 911 using methods (other than SMS to TTY conversion), they would consider those PSAPs to be compliant with 28 C.F.R. section 35.161(a). The US DOJ continually emphasized that current regulations requires PSAPs to provide direct access to 9-1-1 services and thus, PSAPs may not require TTY or computer modem users to use relay services to call 911.

Hereto therefore, it is my hope that the FCC must recognize that – as US DOJ has - that current law requires direct access to 9-1-1 and clarify in its pending report and order that the mandate for text to 9-1-1 is for Consumers to have DIRECT ACCESS to 9-1-1 does not involve relay services in any shape or form. PSAPs should not be looking for a way out, nor should any emergency gateway company or companies providing 911 operations support systems services to incumbent local exchange carriers, competitive local exchange carriers and wireless carriers be allowed to use text relay services as interim to the Interim Solution SMS text to 9-1-1.

Sincerely,

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