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 Net Generation 911 Deployment	)	**PS Docket No. 10-255**

To: The Commission

Comments In Partial Support Of CTIA Petition

The Blooston Rural Carriers (identified on Attachment A), by their attorneys and pursuant to Section 1.429 of the Commission's Rules and the Public Safety and Homeland Security Bureau's *Public Notice*, Report No. DA 13-2013, released July 31, 2013,[1] hereby submit their comments in partial support of CTIA – The Wireless Association's ("CTIA's), June 28, 2013 "Petition for Reconsideration, or in the Alternative, for Clarification" ("Petition") of that portion of the Commission's *Report and Order*, FCC 13-64, released May 17, 2013 in the captioned proceeding addressing roaming issues. 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 are and will be subject to any text-to-911 requirements adopted by the Commission in this proceeding, and therefore they each have a direct economic interest in the outcome of the issues presented in this proceeding. The Blooston Rural

[1] The *Public Notice* specifies an August 15, 2013 due date for oppositions, which presumably also applies to supporting comments.

Carriers agree that the introduction of text-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. The roaming issue presented in the CTIA Petition is of concern.

CTIA's Petition

2. CTIA requests reconsideration or clarification that the Commission's recently-adopted Rule Section 20.18(n)(7) is not intended to impose automatic text-to-911 bounce-back message obligations on CMRS providers (acting as serving carriers) when consumers roam on their networks. At the outset, CTIA notes that the relief requested will not prevent consumers who are roaming from receiving the bounce-back message mandated under newly adopted Rule Section 10.18(n)(3).[2] However, CTIA correctly asserts that it is not technically feasible for the serving carrier to provide the bounce-back message in the roaming context at this time, and that the bounce-back message can be provided only by the home carrier. In this regard, the *Report and Order* highlighted that the Texas 911 Entities found that "the *home carrier* of a SMS subscriber may currently need to be responsible for generating the required bounce-back message."[3] Similarly, the Commission's Emergency Access Advisory Committee ("EAAC") also reported that SMS text messages are "under home operator control" and therefore "must be routed to a wireless subscriber's home network for processing, regardless of the network and location from which the SMS message originated."[4] Accordingly, CTIA correctly observes that current network architectures render it technically infeasible for serving

[2] Petition, pp. 1 and 3.
[3] *Report and Order* at Para 71, quoting Reply Comments of the Texas 911 Entities (emphasis added).
[4] EACC *Report of Emergency Access Advisory Committee (EAAC) Subcommittee 1 on Interim Text Messaging to 9-1-1* (March 1, 2013) ("EACC March 2013 Text Messaging Report").

carriers to provide wireless customers roaming on their networks with an automatic bounce-back message. As CTIA notes, this is because existing network architectures are engineered such that only the home carrier can generate a bounce-back message for a roaming subscriber. Moreover, even though home carriers may be technically able to generate an automatic bounce-back message for roaming subscribers, technical limitations hinder the effectiveness of such messages.[5] In this regard, EAAC has advised that SMS messages sent between wireless provider roaming networks do not automatically pass along the location information that the home carrier needs to determine whether text-to-911 is supported by the appropriate PSAP.[6] For these reasons and others, CTIA correctly argues that the "Commission should not address roaming requirements until appropriate technical organizations are able to confirm that such requirements are technically feasible."[7]

Additional Record Evidence in Support of CTIA's Position

3. CTIA's well-crafted arguments on the inability of serving carriers to generate the bounce-back messages find further support in *ex parte* submissions filed in this proceeding by two of the nation's largest wireless carriers – AT&T Services, Inc. ("AT&T") and Verizon Wireless.

4. In a June 11, 2013 *ex parte*, AT&T recounted the substance of a June 10, 2013 meeting with Commission staff members regarding AT&T's ongoing text-to-911 trials in Tennessee. At the meeting, AT&T raised concerns about how the actions taken in the Commission's *Report and Order* may impact the ongoing trials. Specifically, AT&T noted that "the mandates for a 'temporary shutdown/overload bounceback message' and

[5] Petition, pg. 5.
[6] EAAC March 2013 Text Messaging Report, pg. 10.
[7] Petition, pg. 2.

a '*roaming bounceback message*' were not accounted for in the ATIS/TIA joint industry standard solution for text-to-911 services and, thus, will require additional development by ATIS/TIA" (emphasis added); that because the rules take effect in the near future, "carriers who do not have these requirements accounted for in their text-to-911 trials will be placed in the position of having to discontinue their text-to-911 trials pending further development work, or seek a waiver of the appropriate rules." Finally, AT&T explained at the meeting "how the 'roaming bounceback' rule may require additional clarification so that the extent of this obligation is merely for the 'home carrier' (i.e. the carrier of the customer originating the message) to provide a bounceback message about the unavailability of text-to-911 services when customers attempt to send text messages to 911 while roaming."

5. In its June 13, 2013 *ex parte* submission, Verizon recounted a conference call with a senior staff member in the Public Safety and Homeland Security regarding the text-to-911 bounce-back message requirements adopted in the *Report and Order*. According to the filing, the Verizon representatives "specifically discussed concerns with new Section 20.18(n)(7) of the Commission's rules and potential measures to clarify that CMRS providers serving consumers roaming on their networks are not obligated to originate the required bounce-back message, given that the roaming consumer's own CMRS provider will originate the bounce-back message using existing SMS network configurations and processes."

The Commission Should Delete Rule Section 20.18(n)(7)

6. The arguments contained in CTIA's petition and the evidence of record in this proceeding clearly indicate that Rule Section 20.18(n)(7) should be repealed because it is

at present technically impossible for CMRS serving carriers to provide the bounce-back message required by the regulation. No record evidence attests to the feasibility of providing this capability at this time. Instead, it appears that industry standards setting bodies are studying the issue at this time, and it is respectfully submitted that the Commission should await their findings before mandating what is, admittedly, at this time an interim solution that cannot be fulfilled. Failure to repeal the regulation at this time will not result in the provision of the service by September 30, 2013, but will instead result in the Commission being deluged with requests for temporary waivers from all CMRS carriers – waivers which the Commission will be compelled to grant.

7. Standards bodies are in the best position to determine whether, and how, the requirement can be implemented. At present, this information does not exist.

8. We recognize that there presently exists a fundamental disagreement between CTIA and the Commission as to whether the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA")[8] even authorizes the Commission to adopt the regulations in the *Report and Order*.[9] Assuming that the CVAA applies here, the Commission is nevertheless constricted by CVAA Section 106(g)'s requirement that the rule be "achievable and technically feasible." Furthermore, basic principles of administrative law prohibit the Commission from compelling carriers to do the impossible. *See, e.g.*, *Alliance for Cannabis Therapeutics v. DEA*, 930 F.2d 936, 940 (D.C. Cir. 1991); *Hughey v. JMS Development Corp.*, 78 F3d 1523, 1530 (11th Cir. 1996).

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[8] Pub. L. No. 111-260, 124 Stat. 2751.
[9] *See, e.g.*, *Report and Order*, Para. Nos. 113-115.

Home Carriers Should not be Required to Provide a Bounce Back Message

9. Where we disagree with CTIA is in its proposal that the home carrier be required to provide the bounce-back message in the roaming context at this time. For reasons similar to those discussed in the preceding section, we do not believe that the home carrier should be required to send a bounce-back message at this time when the customer is roaming on another system. In this regard and as noted above, EAAC has advised that SMS messages sent between wireless provider roaming networks do not automatically pass through the location information that the home carrier needs to determine whether text-to-911 is supported by the appropriate PSAP. Thus, it is quite clear that the home carrier's system will not be able to determine whether the PSAP in the roaming market supports text-to-911. Therefore, the home carrier lacks the technical ability to send the bounce-back message advising that text-to-911 is unavailable in the customer's area. Once again, this is an area for investigation and resolution by industry standards setting bodies, and no requirement should be adopted until the deliberations of those bodies have been completed and it has been determined how these limitations can be overcome. Otherwise, the Commission will be flooded with waiver requests that it will be compelled to grant.

WHEREFORE, the Blooston Rural Carriers request that CTIA's Petition be granted to the extent forth above.

Respectfully submitted,

The Blooston Rural Carriers

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ATTACHMENT A

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