

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

In the Matter of)	
)	
Numbering Policies for Modern Communications)	WC Docket No. 13-97
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Telephone Number Requirements for IP- Enabled Services Providers)	WC Docket No. 07-243
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Connect America Fund)	WC Docket No. 10-90
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources)	
)	
Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission's Rules)	
)	

REPLY COMMENTS OF INTRADO INC.

Intrado Inc., on behalf of itself and its affiliates (hereinafter referred to as “Intrado”), hereby files the following reply comments in response to the Notice of Proposed Rulemaking (“*NPRM*”) on April 18, 2013, in the above-referenced proceedings.¹

Intrado is the leading U.S. provider of 911 infrastructure and data management services to 911 service providers, incumbent and competitive local exchange carriers, wireless carriers and VoIP telephony providers. Intrado currently performs VoIP Position Center (“VPC”) services critical to enabling VoIP E911 service for VoIP Service Providers (“VSPs”) and has played a major role in enabling Enhanced 911 (E911) services for most VSPs that provide nomadic IP-connected services throughout the United States. Intrado has a vested interest in continuing to achieve timely activation of VoIP E911 services through continued and timely access to p-ANI number resources.

In the *NPRM*, the Commission seeks comment on whether to “allow VPC providers direct access to p-ANI codes, for the purpose of providing 911 and E911 service” without first acquiring state certification.² In response to this inquiry, TeleCommunication Systems, Inc. (“TCS”) encourages the Commission to establish a system of “national authorization,” bypassing state certification processes through which VPC providers like TCS

¹ Notice of Proposed Rulemaking, Order and Notice of Inquiry: *In the Matter of Numbering Policies for Modern Communications*, WC Docket No. 13-97; *IP-Enabled Services*, WC Docket No. 04-36; *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-24; *Telephone Number Portability*, CC Docket No. 95-116; *Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92; *Connect America Fund*, WC Docket No. 10-90; *Numbering Resource Optimization*, CC Docket No. 99-200; *Petition of Vonage Holdings Corp. For Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources*; and *Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission’s Rules* (“Notice”).

² Notice ¶ 77.

and Intrado can directly access p-ANI codes.³ TCS asserts that “[o]btaining state certification is too costly, burdensome, and time consuming” and contends that state certification is “counterproductive” and “serves no purpose.”⁴ It further asserts that state commissions “have no particular expertise with regard to determining NG911 experience, reliability, or any of the other concerns which are pertinent to VPCs.”⁵

TCS’s statements significantly undervalue the role of the states in overseeing the provisioning of E911 services. States continue to have a legitimate governmental interest in managing the provisioning of 911 services. Indeed, states’ experience in certifying and regulating 911 service providers is important, bringing together a knowledge of state-specific needs and the ability to ensure reliable service. The Commission itself recognized this in its February 2013 Report to Congress, *Legal and Regulatory Framework for Next Generation 911 Services*, noting its belief that “[l]ocal and state public safety authorities should retain their primary responsibility for the deployment and configuration of 911 and NG911 services...”⁶ In that Report to Congress, the Commission recommended broad authority be retained by state-level 911 governing bodies. Speaking specifically about state 911 boards, the Commission recommended:

In particular, such state-level 911 governing bodies should have meaningful authority over the provision of 911 service, and not just over the collection and dissemination of 911 funding. Although state-level 911 governance could reasonably be tied in with other responsibilities, a state 911 board must be able to coordinate, implement, and manage all elements of NG911. Further, such entities should be specifically charged with

³ TeleCommunication Systems, Inc. (“TCS”) Comments, 7-8 (filed July 19, 2013).

⁴ TCS Comments at 4.

⁵ TCS Comments at 5.

⁶ *Legal and Regulatory Framework for Next Generation 911 Services*, Report to Congress and Recommendations, at 25 (Feb. 22, 2013) (“Report to Congress”).

addressing the development and implementation of NG911 within the state, particularly from an operational and technical standpoint, in addition to ensuring that regulatory and legal mechanisms are in place to facilitate state-wide deployment of NG911.⁷

Intrado agrees with the Commission's focus on state oversight of 911. At the same time it recognizes that traditional CLEC certification may not be available to VPCs. States should retain the primary responsibility for evaluating and certifying VPCs to receive access to number resources used to complete 911 calls where state law permits such a certification process. TCS' comments indicate that a few states are willing to tailor their certification process to address the more limited activities of VPCs. It notes, for example, that three states (Utah, Illinois, and Maine) granted it certification for "p-ANI only."⁸

Nevertheless, there may be instances where state certification is not permitted or otherwise not appropriate.⁹ The Commission recognized this possibility in its Report to Congress, noting that "there may be instances where states lack authority under state law to regulate certain elements of NG911 service or otherwise choose not to exercise such authority."¹⁰ In those instances, in which the individual states either cannot or will not act, Intrado agrees that, while certification to obtain p-ANIs should ordinarily be left primarily to the states, the Commission may be needed as a "regulatory 'backstop' to ensure that there is no jurisdictional gap between the exercise of federal and state authority."¹¹

To this end, Intrado proposes that the Commission study the state and federal roles in certifying VPCs for this purpose. The FCC should establish a baseline certification

⁷ *Id.* at 25-26.

⁸ *Id.*

⁹ For example, TCS asserts that two states, Iowa and New Hampshire, would not certify a VPC provider unless it also was a CLEC. TCS Comments at 4.

¹⁰ Report to Congress at 29.

¹¹ *Id.*

process that could be used to allow VPC providers direct access to p-ANI codes when the states at issue do not offer their own certification process for VPCs. Once developed, the states could be given an opportunity to choose whether to use this federal process or to employ a VPC certification procedure of their own. This certification system could operate like the Commission's regulation of pole attachments, with states given an opportunity to certify whether they will certify VPCs. Such a system would align well with the Commission's belief that "its role should be primarily focused on supporting and coordinating state and local transition efforts and targeting federal resources to components of NG911 architecture that are uniquely suited to development at the national level."¹²

Before the Commission begins issuing such certifications, however, it must carefully consider how it will do so. Intrado proposes that the Commission convene a federal advisory committee to set the guidelines by which certifications would be granted. The advisory committee should recommend to the Commission (1) the scope of states' ability to certify VPCs for the purpose of obtaining p-ANIs, (2) the circumstances under which federal certifications would be appropriate, (3) what information is relevant to a certification application, and (4) what process the Commission should use in order to make its certification determinations.

In assembling such an advisory committee, the Commission should convene a committee with adequate representation from state public utility commissions, PSAPs, VPCs and VoIP service providers, and federal regulatory agencies. In addition, this advisory committee could seek the technical input of the Communications Security, Reliability, and Interoperability Committee ("CSRIC") to provide input and advice on technical issues relating to the provision and use of p-ANIs.

¹² *Id.* at 28.

Until such a certification process may be instituted by the Commission, Intrado urges the Commission to maintain the status quo for assignment of p-ANI number resources. VPC providers may continue to work with state regulatory authorities while the FCC determines the appropriate backstop certification process for instances where states cannot provide certification.

CONCLUSION

Intrado encourages the Commission not to disregard the significant role that the states have played and should continue to play in the E911 transition. With the help of a federal advisory committee, the Commission can develop a set of certification procedures that balances traditional state oversight with a federal backstop to ensure efficient access to number resources. Intrado is confident that Commission intervention in only those cases where states

cannot or will not act to provide certification will satisfy the needs of all VPC providers efficiently to gain access to p-ANI codes.

Respectfully Submitted,

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August 19, 2013