

**Before the
Federal Communications Commission
Washington, DC 20554**

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

**REPLY TO OPPOSITIONS OF PETITION FOR RECONSIDERATION
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association¹ (“NTCA”) hereby submits its reply to oppositions in support of the CTIA—The Wireless Association’s (“CTIA’s”), June 28, 2013 “Petition for Reconsideration, or in the Alternative, for Clarification” (“Petition”) of rules addressing roaming adopted in the May 17, 2013 Order adopted in the above-referenced proceeding.²

In its Petition, CTIA requests reconsideration or clarification that Section 20.18(n)(7) of the Commission’s rules as recently adopted is not intended to impose automatic text-to-911 bounce-back message obligations on CMRS providers when consumers roam on their networks.

¹ NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended.

² FCC 13-64

CTIA points out that it is not currently technically feasible for the serving carrier to provide the bounce-back message in the roaming context and that bounce-back messages may only be generated by the home carrier.

CTIA's Petition was supported by the Blooston Rural Carriers in comments and by NENA: The 9-1-1 Association ("NENA") during an August 20, 2013 *ex parte* presentation to the Public Safety and Homeland Security Bureau. In its written memorial of the presentation, NENA pointed out, "CTIA's position with respect to the limited question of which party should be responsible for delivering a bounce-back message is consistent with the understanding of the public safety community."³ In supporting CTIA, NENA noted that the roaming limitations of existing SMS systems are understood.

The Association of Public-Safety Communications Officials – International, Inc. ("APCO") opposed the CTIA petition. In its Opposition, APCO makes reference to a Text Control Center solution that "will" receive and route SMS text-to-911 messages, and provide the interface between the home and serving carriers and the PSAPs. Importantly, APCO does not assert that this solution is currently available and makes no reference to when it might be implemented. Industry standards setting bodies are in the best position to determine whether, and how, the requirement can be implemented and are studying the issue at this time. The fact that the industry is working on developing a technical solution that may provide a mechanism by which carriers may eventually comply with an existing rule, does not make current compliance technically possible. As CTIA notes, existing network architectures are engineered such that only the home carrier can generate a bounce-back message for a roaming subscriber.

Irrespective of CTIA's arguments about Commission authority to adopt the roaming rule,

³ See, *ex parte* letter filed by NENA: The 9-1-1 Association on August 21, 2013.

the Blooston Rural Carriers correctly assert that basic principles of administrative law prohibit the Commission from compelling carriers to do the impossible.⁴ Furthermore, if the Commission declines to repeal or modify the bounce-back roaming requirement, it will receive a flood of waiver requests. Filing a waiver request is an expensive endeavor for a small, rural wireless provider and, in this situation, it is an unnecessary, time-consuming and wasteful exercise. The Commission will have little choice but to grant the requested waivers. Resources – both the carriers’ and the Commission’s – are far better utilized on other endeavors.

The arguments contained in CTIA’s petition and the evidence of record in this proceeding clearly indicate that Section 20.18(n)(7) of the Commission’s rules should be repealed, or at the very least clarified appropriately, because it is presently technically impossible for CMRS serving carriers to provide the bounce-back message that may be contemplated in the regulation.

Respectfully submitted,



By: /s/ Jill Canfield
Jill Canfield
Director – Legal & Industry
Assistant General Counsel

4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
jcanfield@ntca.org
703-351-2000 (Tel)
703-351-2036 (Fax)

August 26, 2013

⁴ See, Comments in Partial Support of the CTIA Petition filed by the Blooston Rural Carriers, p. 5, citing *Alliance for Cannibas Therapeutics v. DEA*, 930 F.2d 936, 940 (D.C. Cir 1991); *Hughey v. JMS Development Corp*, 78 F.3d 1523, 1530 (11th Cir. 1996).