

**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
)	

To: Chief, Public Safety & Homeland Security Bureau

PETITION FOR WAIVER

Piedmont Rural Telephone Cooperative, Inc. (“Piedmont”), by its attorneys, and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”), seeks a waiver of Section 20.18(n)(7) of rules and of any obligation in the *Bounce-Back Order*¹ for Piedmont, as a serving carrier, to provide a bounce-back message when a consumer roaming on Piedmont’s network attempts to reach 911 via a text message. Piedmont provides Commercial Mobile Radio Services (“CMRS”) and text service in eastern South Carolina. Piedmont seeks this relief out of an abundance of caution pending Commission action on the CTIA Petition for Reconsideration² and further industry and Commission action regarding support for text-to-911 in a roaming environment.

Rule Section 20.18(n), in general, requires covered providers to provide an automatic bounce-back message to a consumer who attempts to send a text message to 911 when the consumer is located in an area where text-to-911 service is unavailable or the covered text provider does not support text-to-911 service. Rule Section 20.18(n)(7) requires a covered

¹ *In the Matter of Facilitating the Development of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, 28 FCC Rcd 7556, 78 FR 32169 (rel. May 17, 2013) (“*Bounce-Back Order*”).

² Petition for Reconsideration, or in the Alternative, for Clarification of CTIA – The Wireless Association®, PS Docket No. 11-153 (Jul. 1, 2013) (“CTIA Petition”).

CMRS provider to “provide an automatic bounce-back message to any consumer roaming on its network” who sends a text message to 911 when the consumer is located in an area where text-to-911 service is unavailable or the CMRS provider does not support text-to-911 service.³

As parties in the above-captioned proceeding have noted, Rule Section 20.18(n)(7) and the *Bounce-Back Order* can be read as requiring a serving carrier to generate a bounce-back message to roaming consumers.⁴ As CTIA, Competitive Carriers Association (“CCA”), and other parties have clearly explained, however, under the current architecture, it is not technically possible for a serving carrier to generate an SMS bounce-back message to a consumer roaming on such carrier’s network.⁵ When a roaming customer sends an SMS message, the serving carrier routes that message to the home carrier. As CTIA explained, “[E]xisting network architectures are engineered such that *only* the *home carrier* is capable of generating a bounce-back message for roaming subscribers.”⁶ The serving carrier *cannot* generate a bounce-back message to a consumer roaming on the serving carrier’s network.

To the extent that the rule and the *Bounce-Back Order* are interpreted as imposing an obligation on the serving carrier to generate and provide a bounce-back message, the record in this proceeding clearly demonstrates that such an obligation is technically infeasible. The record in this proceeding also demonstrates that such an obligation is rife with technical and legal problems, not the least of which are that current industry standards do not address support for SMS-to-911 in a roaming environment, and the Commission failed to seek comment on the roaming requirement. Rather than continuing to impose an impossible requirement, “[t]he

³ 47 C.F.R. § 20.18(n)(7).

⁴ See, e.g., T-Mobile USA, Inc. Comments in Support of CTIA Petition for Reconsideration at p. 2 (“T-Mobile Comments”).

⁵ See CTIA Petition at pp. 4-5; Reply Comments of Competitive Carriers Association (Aug. 26, 2013).

⁶ CTIA Petition at p. 4.

Commission should defer imposing any text-to-911 requirements on carriers related to roaming subscribers until such requirements are technically feasible.”⁷

Good cause exists for grant of the requested relief because the requirement is technically infeasible, arbitrary, and contrary to the record in the proceeding.⁸ In addition, Commission inaction on this issue will not result in compliance since it is impossible for Piedmont or any other serving carrier to comply with the requirement for a roaming consumer who texts 911 under the current architecture. Accordingly, the underlying purpose of the rule will not be served by its strict application. Grant of the requested waiver would be in the public interest because it would prevent Piedmont from being out of compliance with an impossible regulatory obligation. Finally, the unusual circumstances of this situation render application of the rule unduly burdensome and contrary to the public interest since strict application of a technically infeasible requirement would be arbitrary and capricious.⁹ Absent Commission action on the CTIA Petition or other appropriate relief, Piedmont has no reasonable alternative but to request a waiver.

⁷ T-Mobile Comments at p. 3.

⁸ *See* 47 C.F.R. § 1.3.

⁹ *See* 47 C.F.R. § 1.925(b)(3).

For the reasons set-forth above, Piedmont requests that the Commission grant the relief requested herein.

Respectfully Submitted,
Piedmont Rural Telephone Cooperative, Inc.
By:

A handwritten signature in black ink, appearing to read 'G. Whiteaker', with a long horizontal flourish extending to the right.

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Dated: September 27, 2013