



Texas 9-1-1 Alliance

2600 Airport Freeway Fort
Worth, TX 76111
www.texas911alliance.org



November 20, 2013

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Technology Transitions Policy Task Force, GN Docket No. 13-5 and
Framework for Next Generation 911 Deployment, PS Docket No. 10-255

Dear Ms. Dortch:

On Tuesday, November 19, 2013, Brett Schneider, Director of Operations of the Bexar Metro 9-1-1 District, Stan Heffernan, Chief Operations Officer of the Greater Harris County 9-1-1 Emergency Network, and I as representatives of respective Texas Emergency Communication Districts and the Texas 9-1-1 Alliance¹ met with David Turetsky, David Furth, Tim Stelzig, Patrick Halley, and Stephanie Weiner. During the meeting, we discussed the above proceedings, and we also discussed the benefits of competitively neutral Internet Protocol Next Generation 9-1-1 connection trials as an integral part of Public Switch Telephone Network to Internet Protocol transition preparation. We provided a handout at the meeting, which is attached to this correspondence.

In accordance with the Commission's rules, this letter is being filed electronically with the Secretary for inclusion in the public record.

Sincerely,

Richard Muscat
Director of Regulatory Affairs
Bexar Metro 9-1-1 Network District

Attachment

cc: David Turetsky
David Furth
Tim Stelzig
Patrick Halley
Stephanie Weiner

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 25 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 60% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

Clarifying Federal and State 9-1-1 Access Issues for Deployment of IP Selective Routing and NG9-1-1 ESInets

Ex Parte Handout, PS Docket Nos. 13-5 and 10-255

Richard Muscat

Directory of Regulatory Affairs

Bexar Metro 9-1-1 Network District

on behalf of the Texas 9-1-1 Alliance

November 19, 2013

Principle Concerns and Issues

- Need a coherent and effective federal/state legal and regulatory framework for NG9-1-1
- Need to know how federal/state legal and regulatory framework for NG9-1-1 will support or be impacted by PSTN sunset/transition to IP
- Commission Report to Congress on need for new federal regulatory “backstop” for NG9-1-1
- Clarity on legal and regulatory framework for NG9-1-1 should not await or be hostage to larger set of industry IP interconnection issues

Past: FTA 96 and State PUCs

- Sections 251 and 252, 9-1-1 is an ancillary service that wireline ILECs must make available to competitors under terms and conditions
- FCC Local Competition Order
- State Rules
- Interconnection Agreements and Arbitration
- State Certifications
- FCC Notice of Network Changes

Current: FTA 96, NET 911 Act

- Facilities-Based Non-Mobile Providers and Wireless Carriers may use third-parties and may no longer install 9-1-1 trunks directly to ILEC 9-1-1 Selective Routers.
- 9-1-1 Selective Routers and 9-1-1 Automatic Location Databases may no longer be provided by the ILEC or an entity subject to 251 and 251.

Future: PSTN Transition to Internet Protocol

- IP 9-1-1 Selective Routers and NG9-1-1 ESInets may be provided by ILECs, CLECs, third-parties, or government entities or combinations thereof.
- Traditional regulatory frameworks, such as 251/252, interconnection and arbitration, certifications and notifications, and state jurisdiction may not apply to new entities or services.

Future: PSTN Transition to Internet Protocol

- Once everything transitions from PSTN to IP, does NET 9-1-1 Act apply to everything because it is all VoIP (including wireless IMS or IP)?
- Once everything transitions from PSTN to IP, what applies if anything to traditional regulatory frameworks, such as 251/252, interconnection and arbitration, certifications and notifications, and state jurisdiction?

Future: PSTN Transition to Internet Protocol

- Should IP 9-1-1 Selective Routers and NG9-1-1 ESNets be addressed separately from all other types of IP connection issues because of their special need and access circumstances?
- IP 9-1-1 Selective Router and NG9-1-1 ESNets deployments are currently progressing slowly, but two major unsettled regulatory issues may delay progress once it begins to pick up.

Future: PSTN Transition to Internet Protocol

- Two major unsettled regulatory issues:
- (1) IP access expectations and jurisdictional issues, and
- (2) Expectations on sending address location information as part of 9-1-1 call delivery.

Future: PSTN Transition to Internet Protocol

- The Commission's proposed PSTN to IP deployment trials in PS Docket No. 13-5 appeared to be an opportunity to gain additional documented NG9-1-1 information before addressing some of these issues.

Texas 9-1-1 comments, PS Docket No. 10-255 at pp. 2 & 18 (Feb. 28, 2011)

To achieve an orderly transition the shift to IP technologies for 9-1-1 service necessitates that the

Commission rule promptly on core NG9-1-1 regulatory matters, including but are not limited to:

(1) Must system service providers of NG9-1-1 services be registered or certificated by the Commission and/or state PUCs, and do Commission and/or state PUC quality of service regulations applicable to 9-1-1 legacy service providers also apply to NG9-1-1 system service providers?

(2) What are the Commission expectations regarding NG9-1-1 service providers' compliance with requirements, such as outage reporting, notice of network changes, CALEA, local interconnection, and Net 9-1-1 Improvement Act responsibilities?

(3) If a legacy 9-1-1 service provider is displaced by an NG9-1-1 system service provider in an area, state, or nationally, must the legacy 9-1-1 service provider still be a 9-1-1 "provider of last resort" for some period during initial NG9-1-1 transition?

(4) What are the respective responsibilities, if any, in a NG9-1-1 environment for operating service providers (e.g., including access network providers and/or application providers) to identify, route and send an accurate address location with the 9-1-1 call in a timely manner?³¹

Bexar Metro 9-1-1 Network District comments, at pp. 4-5, 7-8, PS Docket No. 13-5 (July 8, 2013)

Overarching many of the Commission's questions and these matters is recognizing that in the context of NG9-1-1, a major remaining potential roadblock is not purely technical, operational, or financial. Rather, a major remaining potential roadblock is that the NG9-1-1 legal and regulatory framework for interconnection type transition aspects is uncertain, or at minimum at least very debatable.

Historically, 9-1-1 "interconnection" access has been addressed differently based on the type of technology of the connecting service provider and the legal status of the service provider of the E9-1-1 Selective Routing network. For example, 47 U.S.C. Section 251, entitled "Interconnection," has different subsections applicable to only all telecommunications providers, which is subsection (a); applicable to only all local exchange companies, which is subsection (b); and applicable to only incumbent local exchange carriers, which is subsection (c). But in the context of NG9-1-1, the service provider seeking interconnection may arguably not be subject to any these subsections, and the service provider with whom interconnection is being sought may

Bexar Metro 9-1-1 Network District comments, at pp. 4-5, 7-8, PS Docket No. 13-5 (July 8, 2013)

not be subject to any of these subsections. Moreover, some agreements associated with “interconnection” with incumbent local exchange carriers subject to subsection (c) must be filed with state public utility commissions (“state PUCs”), but such is not the case for other entities. Similarly, in addition to the potential confusion and question on the application of section 251 under federal law, some state laws may have similar legal and regulatory framework NG9-1-1 interconnection type aspects that are uncertain, or at minimum debatable.

Bexar Metro 9-1-1 Network District comments, at pp. 4-5, 7-8, PS Docket No. 13-5 (July 8, 2013)

Irrespective of whether subsections of 251(a), (b), &(c) apply, or can apply, to some or all NG9-1-1 interconnection type issues, subsections 251(a), (b), &(c) may still all be insufficient in the competitive real-world of NG9-1-1 environment. Service providers for some or all NG9-1-1 deployments may not be telecommunications carriers subject to subsection 251(a); local exchange carriers (“LEC”) subject to subsection 251(b); and/or incumbent local exchange carriers (“ILECs”) subject to subsection 251(c). Similarly, as the Commission has recently pointed out in its report to Congress, the question of which aspects of NG9-1-1 are primarily subject to the Commission’s interstate federal jurisdiction, are primarily subject to state public utility commission jurisdiction, and cases where there is need of a new federal regulatory “backstop” are currently unsettled and unclear matters.¹²

Bexar Metro 9-1-1 Network District comments, at pp. 4-5, 7-8, PS Docket No. 13-5 (July 8, 2013)

In today's 9-1-1 access provisioning environment, a CLEC subject to subsection 251(b) may be providing access to 9-1-1 for a wireless carrier subject to subsection 251(a) and for a VoIP provider that may not be subject to subsections 251(a),(b),&(c) or subject to direct or indirect regulation by state public utility commissions. Level 3 is one example of this situation: Level 3 is a CLEC with state PUC certificates, but Level 3 provides access to 9-1-1 for wireless carriers (*e.g.*, T-Mobile) and for VoIP providers.¹³ In Level 3's capacity of providing access to 9-1-1, is what Level 3 is doing subject to subsection 251(b) because Level 3 is a CLEC, subject to subsection 251(a) and the Commission's authority over commercial mobile radio service ("CMRS") because T-Mobile is a wireless carrier, or subject to the NET 911 Act but not subsections 251(a), (b), &(c) for the VoIP service aspects? But going forward in the context of NG9-1-1 interconnection, should it really matter and be a material factor for wireline, wireless, VoIP, and/or hybrid services when they all must have access to 9-1-1, and, if so, why?

Conclusion

- In the near future, a timeline should be set for addressing legal and regulatory framework issues for NG9-1-1.
- There should be trials on how the legal and regulatory framework for NG9-1-1 will support or be impacted by PSTN sunset/transition to IP
- Clarity on the legal and regulatory framework for NG9-1-1 should not await or be hostage to larger set of industry IP interconnection issues