

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

In the Matter of)	
)	
Improving 911 Reliability)	PS Docket No. 13-75
)	
Reliability and Continuity of Communications)	
Networks, Including Broadband Technologies)	PS Docket No. 11-60

**COMMENTS OF THE TEXAS 9-1-1 ENTITIES
IN SUPPORT OF INTRADO, INC.'S MOTION FOR CLARIFICATION OR, IN THE
ALTERNATIVE, PETITION FOR PARTIAL RECONSIDERATION**

The Texas 9-1-1 Alliance¹ and the Texas Commission on State Emergency Communications² (collectively, “the Texas 9-1-1 Entities”) respectfully submit the following brief comments in support of the Motion for Clarification or, in the Alternative, Petition for Partial Reconsideration (the “Motion”) filed by Intrado, Inc. (“Intrado”) on February 18, 2014³ regarding the Commission’s Order⁴ in the above-referenced proceedings.

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).

² The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the State of Texas’ authority on emergency communications. CSEC administers the Texas state 9-1-1 program under which 9-1-1 service is provided through 23 regional planning commissions to approximately one-half of the geography and one-fourth of the population of Texas.

³ See *Motion for Clarification or, in the Alternative, Petition for Partial Reconsideration* filed by Intrado (Feb. 18, 2014).

⁴ *In Re Improving 911 Reliability*, Report and Order, FCC 13-158 (rel. Dec. 12, 2013) (“Order”).

Intrado's Motion generally supports the Commission's new rules on improving the reliability and resiliency of 9-1-1 networks.⁵ However, the Motion also seeks further Commission clarification or interpretation regarding the flexibility of entities designated as "covered 911 service providers" to utilize alternative measures with respect to auditing and tagging of critical 911 circuits, if those alternative measures are consistent with or exceed the Commission's intent for ensuring the reliability and resiliency of 9-1-1 networks.⁶ The Texas 9-1-1 Entities agree with the Motion that the requested Commission clarification or interpretation is warranted and appropriate in the context of more modern 9-1-1 network designs.

For example, using a multiprotocol label switching ("MPLS") network as part of an Internet Protocol ("IP") Emergency Services IP Network ("ESInet") to connect Public Safety Answering Points ("PSAPs") to the equivalent of the selective router function appears to be within the scope of the Commission's rules.⁷ But as pointed out in the Motion, the ability of an underlying MPLS technology provider to track its circuit paths at any given moment may not be technically feasible, or what the Commission intended in the context of that technology.⁸

⁵ See Motion at pp. 3, 7.

⁶ *Id.* at pp. 4-11.

⁷ See Order at ¶81, footnote 179 ("For example, NG911 networks may use IP-based ESInets to interconnect the selective router function to the PSAP. The facilities that compose these ESInets would be considered "critical 911 circuits.").

⁸ See Motion at pp. 9-10 ("In addition, a significant portion of Intrado's facilities rely on multiprotocol label switching ('MPLS') technology, which does not permit the underlying provider – let alone Intrado – to track its circuit path at any given moment. When Intrado places its critical 911 circuits on the networks of other carriers, those circuits are not the underlying carriers' critical 911 circuits. As such, the reliability rule does not require the underlying carrier to audit or tag those circuits on its own behalf. Based upon Intrado's experience with its network providers, it is unlikely that these carriers would enter into commercial agreements to ensure diversity." [Footnotes in original omitted]).

Moreover, an underlying MPLS network provider may not be fully aware how an ESInet may have been configured by the governmental entity with other vendors.⁹

The language of the Commission's rule appears to exempt a governmental entity from the requirements when it provides ESInet network capabilities based on the definition of the term "covered 911 service provider,"¹⁰ but the language in the Order could also be read to imply a contrary intent in at least some circumstances.¹¹ Nonetheless, even if a governmental entity is exempt based on the definition of a "covered 911 service provider" as contained in the rule, the important question of whether and how the Commission's new rules on these matters may apply to a subcontractor commercial vendor providing a MPLS network used as an ESInet network by a governmental entity under a state contract,¹² may still remain open. If a subcontractor commercial vendor for an ESInet network could potentially be subject to the Commission's rules on these matters, it may be appropriate to enable the governmental entity to "voluntarily report" in lieu of the underlying subcontractor commercial vendor. This may especially be the case if the subcontractor commercial vendor may not have sufficient information to know that the

⁹ *Id.* at p. 8 ("Whenever possible, that diversity is obtained by procuring diverse paths through separate carriers.").

¹⁰ *See* 47 C.F.R. §12.4(a)(4)(ii) (The term "covered 911 service provider" shall not include any entity that "constitutes a PSAP or governmental authority **to the extent that it provides 911 capabilities.**") (Emphasis added).

¹¹ *See Order* at ¶ 39 ("Some commenters, however, suggest that the proposed rules should extend further, to backhaul providers that transport 911 calls, data centers that provide NG911 capabilities, and even to PSAPs and consumers. We decline to expand our definition as far as these commenters suggest. Under current network configurations, while many service providers may play some role in the origination and delivery of individual 911 calls, only a limited number of entities provide 911 connectivity directly to PSAPs. Thus, we do not intend today's rules to apply to wireless providers, VoIP providers, backhaul providers, Internet service providers (ISPs), or commercial data centers based on the functions they currently provide in 911 networks, **assuming they do not provide the functions of a Covered 911 Service Provider under our definition.**") (Emphasis added and footnotes in original omitted).

¹² *See* <http://www.dir.texas.gov/cts/texan/Pages/contracts.aspx> (listing the different commercial vendors that may currently be available for purchasing of communications services, including MPLS services).

network is being used for a “covered 911 service provider” function under the Commission’s new rules or where the network provided by a subcontractor commercial vendor may be one component of a larger governmental entity solution. Accordingly, for the reasons expressed above and in the Motion, the Texas 9-1-1 Entities support the Commission granting the Motion and providing additional clarification or interpretation regarding the Order in the context of more modern 9-1-1 network designs.

The Texas 9-1-1 Entities appreciate the opportunity to provide these supporting comments on the Motion, and respectfully requests that the Commission take action on the Motion consistent with these supporting comments.

Respectfully submitted,



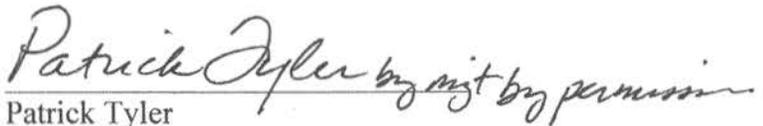
Michael J. Tomsu
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

On behalf of the Texas 9-1-1 Alliance

On the comments:

Richard A. Muscat
Bexar Metro 9-1-1 Network District

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Patrick Tyler
General Counsel
333 Guadalupe Street, Suite 2-212
Austin, Texas 78701-3942
512-305-6915
512-305-6937 (fax)
Patrick.tyler@csec.texas.gov

On behalf of the Texas Commission on State
Emergency Communications